

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE #1, an individual, JOHN
DOE #2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of State of Washington,
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendants.

NO. 09-cv-05465-BHS

DESIGNATED DEPOSITION
TESTIMONY OF Redacted
Redacted

Pursuant to Local Rule 32(e), Defendants Sam Reed and Brenda Galarza, Intervenors Washington Families Standing Together and the Washington Coalition for Open Government and Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington (collectively, the “Parties”) hereby submit combined designated deposition testimony for RedactedRedacted

Defendants and Intervenors object to the admission of any deposition testimony taken of any witnesses who could be called to testify at trial. Therefore, the designations of Defendants and Intervenors are being submitted in the event that the Court decides to admit deposition testimony.

1 For the Court's convenience Defendants' designations have been highlighted in blue,
2 Intervenor's designations have been highlighted in pink, and Plaintiffs' designations have
3 been highlighted in yellow. Objections have been noted in the margins. Plaintiffs will be
4 filing the redacted versions of these documents.

5 DATED this 6th day of September, 2011.

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UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 09-cv-05456-BHS
)	
SAM REED, et al.,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF Redacted

October 1, 2010
Olympia, Washington

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Dixie Cattell & Associates (360) 352-2506

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1 BE IT REMEMBERED that on Friday, October 1, 2010,
2 at 8:58 a.m., at 1125 Washington Street, Suite 601, Olympia,
3 Washington, before REBECCA S. LINDAUER, Notary Public in and
4 for the State of Washington, appeared Redac Redacted the
5 witness herein:

6 WHEREUPON, the following proceedings were had, to
7 wit:

8
9 Redac Redacted having been first duly sworn by
10 the Notary, testified as follows:

11 EXAMINATION

12 BY MS. EGELER:

13 Q So good morning, Mr. Redacted My name is Anne Egeler, and
14 I'm a deputy solicitor general representing the State in
15 this matter, specifically, Sam Reed and the defendants in
16 the case.

17 Before we get started, I wanted to ask: Have you ever
18 been deposed before?

19 A Yes.

20 Q Can you tell me about that?

21 A I don't really recall the details. A number of times. I
22 was in the music and entertainment industry. We were just
23 talking about Nashville and we had an office there. I
24 can't. I don't remember. It was just issues. I don't even
25 know what it was.

1 Q Okay.

2 A It's been some time ago.

3 Q Since it's been some time --

4 A Years.

5 Q -- I'm going to go over some basic rules.

6 A Okay.

7 Q Everything we're saying, of course, is being taken down by
8 our court reporter. And to help her with that and to get an
9 accurate transcript, it's going to be very important that we
10 not speak over each other. We want to let each other finish
11 our sentences before we jump in and speak.

12 It's also important that we indicate yes or no
13 verbally, rather than with a head nod or an um-hmm, because
14 those things don't show up in the record clearly either.

15 A Really?

16 Q And, of course, if you're confused about anything or I've
17 asked something in a way that doesn't make sense to you,
18 please stop and ask for clarification.

19 A Okay.

20 Q Do you have any questions, before we get started, about the
21 deposition itself or how this works?

22 A Can I have a copy of the transcript of this?

23 Q When this is done, the court reporter will give you the
24 option of reviewing it and signing, so absolutely. That is
25 something that will be provided to you.

EGELER (Redac Redacted 10/1/10)

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1 A Good. Thank you.

2 Q Let's just start with some general information. Can you
3 tell me where your residential address is?

4 A My primary residence is Redacted
5 Redacted.

6 Q And you said primary residential address. Do you have more
7 than one residential address?

8 A That's my primary residence.

9 Q So are you a registered voter in the state of Oregon?

10 A Yes.

11 Q Which I assume means you're not a registered voter in
12 Washington?

13 A Yes.

14 Q Was that true in 2009 as well?

15 A Yes.

16 Q Was Oregon your primary residence in 2009?

17 A Yes.

18 Q Can you tell me about your current employment?

19 A I'm retired.

20 Q And when did you retire?

21 A 2001.

22 Q And are you a business owner?

23 A Yes.

24 Q And where are your businesses located?

25 A They're not. I have a Redacted Redacted, which is

EGELER (Redac Redacted 10/1/10)

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1 left over from my working years.

2 Q Is that --

3 A It isn't active today.

4 Q Isn't active. Was it active in 2009?

5 A No.

6 Q What state was that registered in?

7 A Oregon.

8 Q And are you associated with any nonprofit organizations?

9 A Redacted

10 Q Okay.

11 A Redacted

12 Q Are those different organizations?

13 A Yes.

14 Q Can you explain how they're related, if at all?

15 A Yeah. It's on our Web site. It's a statement that the IRS
16 actually gave me to put on so it would clarify it the way
17 they would like to see it. I can't quote it, but it's on
18 the Web site. But they're separated -- they're related, but
19 separate organizations.

20 Q So it's Redacted Redacted

21 A Redacted

22 Q Redacted

23 What is the work of those organizations?

24 A The Redacted is education. The Redacted is advocacy.

25 Q Looking at the Redacted Redacted what

EGELER (Redac Redacted 10/1/10)

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1 is your association with that organization?

2 A I'm Redacted

3 Q And is that registered as a nonprofit with the Washington
4 Secretary of State?

5 A Yes.

6 Q Redacted what is your association with
7 that?

8 A I'm Redacted

9 Q And is that registered with Washington State?

10 A No. It's registered with Oregon.

11 Q When did you learn that you were named as a witness in the
12 Doe v. Reed case?

13 A I think when your office contacted me.

14 Q Are you aware that being a witness in this case may require
15 you to publicly testify in federal court?

16 A I am.

17 Q And is that acceptable to you?

18 A Yes.

19 Q Did you do anything to prep for the deposition today?

20 A In regards to?

21 Q Anything. Did you prep in any way?

22 A I looked up some slanderous remarks that have been made
23 about me and copied them off the Internet.

24 Q The subpoena you received contained a request for documents.
25 Did you have a chance to search for responsive documents?

EGELER (Redac Redacted 10/1/10)

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1 A I did. I didn't have much time, but I had a few days, as
2 you know, and so I went on the Internet. Would you like to
3 hear about that now?

4 Q I don't want to hear the details of it. I would like to see
5 what you have that's in response to that production request.

6 Have you brought any documents with you?

7 A There are copies of statements I would like to share with
8 you.

9 Q Okay.

10 A (Documents passed.)

11 Q Thank you. We'll go through all of this during the course
12 of the deposition.

13 At this point, I just wanted to ask if you had a
14 chance --

15 A Yeah, I did.

16 Q -- to produce and look at this.

17 Do you feel that you had adequate time to go through
18 all of your records and fully respond to the subpoena?

19 A No. But, you know, I had some time, not adequate time.

20 Q So you can't say then that you have fully responded to the
21 subpoena?

22 A To the best of my ability in the time that I had, given my
23 other responsibilities.

24 Q So are you saying that there may be responsive documents
25 that you have not brought with you today?

EGELER (Redac Redacted 10/1/10)

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1 A There could be. If I knew what they were, I would have
2 brought them, but I mean, there could be others.

3 Q What else do you need to do in order to determine whether
4 there are other responsive documents?

5 A Well, I just have to have more time to research, I suppose.

6 MS. EGELER: Let's be off the record for a second.

7 (Recessed at 9:05 a.m.)

8 (Reconvened at 9:11 a.m.)

9 MS. EGELER: So just to memorialize on the record
10 what we discussed off, Mr. Redacted will take until next
11 Friday to research and see if there is anything else
12 responsive to the subpoena duces tecum, and he will respond
13 to me by e-mail at the Attorney General's Office by 4:00
14 p.m. next Friday with any responsive documents.

15 Alternatively, if there are no more responsive
16 documents, Mr. Redacted will provide me that notice by e-mail
17 Friday at 4:00 and also will, by Saturday, put a written and
18 signed statement in the mail to me, so stating.

19 If there are responsive documents, then the parties
20 have agreed that we will preserve the right to come back in
21 with follow-up questioning regarding those documents, and
22 the deposition will be promptly scheduled probably by the
23 middle of the following week.

24 Everybody in agreement?

25 MR. PIDGEON: I'm in agreement.

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1 THE WITNESS: Yes.

2 MR. DIXSON: Yes.

3 MR. HAMILTON: Yeah, that works.

4 Q (By Ms. Egeler) Mr. Redacted did you -- let me back up.

5 Prior to Referendum 71, in years past, have you, as the

6 Redacted or Redacted

7 Redacted Redacted made any statements about same sex
8 partnership?

9 A Yes.

10 Q And can you tell me about that? Again, I'm asking about
11 periods prior to Referendum 71.

12 A I don't remember what I said, but it would have been
13 consistent with my Judeo-Christian values and beliefs, the
14 Biblical position on marriage.

15 Q And in 2009 there was a bill, a senate bill, in the
16 Washington State legislature, Senate Bill 5688.

17 Do you have any knowledge of that bill?

18 A Yes.

19 Q And what's your understanding of that bill?

20 A It was to expand civil rights -- civil union benefits to be
21 equal with marriage.

22 MS. EGELER: I'm going to mark this as Exhibit
23 No. 1.

24 (Exhibit No. 1 marked.)

25 Q (By Ms. Egeler) I've handed you a copy of what's been

8 A It appears to be.

12 A Redacted

Row	Segment 1 Length (approx. %)	Segment 2 Length (approx. %)	Total Length (approx. %)
1	85	0	85
2	45	55	100
3	70	20	90
4	95	0	95
5	25	75	100
6	100	0	100
7	98	0	98
8	92	0	92
9	82	0	82

23 A It's about my personal belief.

25 A My personal belief about the behavior of homosexuality.

EGELER (Redac Redacted 10/1/10)

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1 Q Can you look -- you just read from that paragraph that
2 follows the 3 in parens. Looking down two more paragraphs,
3 the paragraph, "Beginning last Thursday" --

4 A Um-hmm.

5 Q -- are you with me?

6 A I'm with you.

7 Q It appears that you are, in this blog posting, speaking
8 about Senate Bill 5688. Am I mistaken?

9 A I am speaking about Senate Bill 5688 in that paragraph. In
10 3 above, just referenced, I'm talking about my own personal
11 belief.

12 Q And are you talking as the representative of the Redacted
13 Redacted as well or just in your personal capacity?

14 A Well, I'm speaking about my personal belief.

15 Q And at the bottom, did you sign that as the Redacted of the
16 Redacted

17 A I don't know if I signed it or not.

18 Q Did you post those words, "Redac Redacted Redacted

19 Redacted

20 A I did not, but our organization probably did.

21 Q Did you authorize that posting?

22 A It would have been authorized.

23 Q At the very bottom of the posting, it says, "Posted by Redac
24 Redacted at 10:46 a.m."

25 Is that inaccurate?

EGELER (Redac Redacted 10/1/10)

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1 A I don't -- the time? I don't know.

2 Q The fact that, "Posted by Redac Redacted is that a
3 misstatement?

4 A Yes. It's -- all of the blogs that are put out through the
5 blogging company that we use puts that -- I mean, it's on
6 everything that comes out.

7 Q Would you have sent this blog to your blogging company?

8 A No.

9 Q Who would have done that?

10 A Someone in our office.

11 Q And who would have written this blog?

12 A I would have written it.

13 Q And would this have been something that you authorized the
14 posting of?

15 A Yes.

16 Q And right before the closing there on the blog, there is a
17 line that is underlined and it states, "Your tax-deductible
18 donation today would help a great deal."

19 Do you see that?

20 A Um-hmm -- yes.

21 Q Help a great deal with what?

22 A Our educating the public.

23 Q About?

24 A About all the Judeo-Christian issues.

25 Q So it wasn't seeking donations to oppose Senate Bill 5688?

EGELER (Redac Redacted 10/1/10)

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1 A No.

2 Q And did Redacted do any sort of lobbying
3 with regard to Senate Bill 5688?

4 A The Network did because it's an advocacy organization.

5 Q Can you tell me about that?

6 A The Redacted did not.

7 Q Can you tell me about any lobbying Redacted
8 did with respect to Senate Bill 5688?

9 MR. PIDGEON: I'm going to pose an objection on
10 the basis of relevance.

11 Go ahead.

12 A We lobbied.

13 Q (By Ms. Egeler) How?

14 A Redacted Talked to lawmakers, asking them
15 to consider not supporting it, the Network, not the
16 Redacted

17 Q Did you personally participate in those discussions with
18 Washington legislators?

19 A Probably.

20 Q Do you remember any such discussions?

21 A I don't have any memory of any specific one.

22 MR. PIDGEON: I'm going to go on the record as
23 objecting to this line of testimony. I believe that Counsel
24 is using this as a fishing expedition. It's not relevant to
25 the discussion of whether or not Redac Redacted has

EGELER (Redac Redacted 10/1/10)

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1 experienced threats, harassment, or intimidation in
2 relationship to R71. That's my official objection.

3 Q (By Ms. Egeler) Did you speak at any public hearings
4 regarding Senate Bill 5688?

5 A No.

6 Q Did anyone from Redacted speak at any
7 public hearings regarding the senate bill?

8 A Let me correct. I did speak at a hearing, house hearing,
9 that was open to the public and it's on the record.

10 Q Do you remember how many members of the public were in
11 attendance, roughly?

12 A Hundreds.

13 Q Hundreds?

14 A Yeah. Far more than the room could accommodate.

15 Q When you spoke, did you speak in your personal capacity or
16 as the Redacted of the Redacted

17 A I don't recall.

18 Q Did you meet with anyone to discuss development of a
19 referendum regarding Senate Bill 5688?

20 A I met with Larry Stickney.

21 Q And did you help Mr. Stickney develop Referendum 71?

22 A We had discussion.

23 Q Did you assist in the drafting of Referendum 71?

24 A I don't recall that I did.

25 Q After the Referendum 71 was filed with the Secretary of

EGELER (Redac Redacted 10/1/10)

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1 State, do you remember whether you formally endorsed or
2 supported Referendum 71?

3 A I did support it.

4 MS. EGELER: Mark this as Exhibit No. 2.

5 (Exhibit No. 2 marked.)

6 Q (By Ms. Egeler) I've handed you what's been marked as
7 Exhibit No. 2 to your deposition, and the Web site that this
8 is printed from appears at the bottom of the page and the
9 print date of September 30 of 2010 appears in the lower
10 right-hand corner. This is from the Redacted
11 Redacted Web site.

12 And if you could look about three-quarters of the way
13 down the page -- well, about halfway down the page, there
14 are two paragraphs that are attributed to Redac Redacted
15 Redacted and Redacted

16 Do you see where I am?

17 A Yes.

18 Q And did you make these statements? If you want to take a
19 minute, you're welcome to read through this.

20 A I'm only seeing one statement. Where can I find the other
21 one?

22 Q There are two paragraphs.

23 A Two paragraphs, okay.

24 Q Starting in the middle of the page.

25 A Okay. I see the paragraphs. I was looking for a separate

EGELER (Redac Redacted 10/1/10)

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1 statement. Yes.

2 Q Do you recall making these statements that appear in the two
3 paragraphs?

4 A Yes.

5 Q And did you authorize Larry Stickney or Protect Marriage
6 Washington to post this statement in support of the reject
7 R71 effort?

8 A Yes.

9 MS. EGELER: Mark this as Exhibit No. 3, please.

10 (Exhibit No. 3 marked.)

11 Q (By Ms. Egeler) And this Exhibit No. 3, as it states at the
12 bottom of the page, is from the Redacted and was
13 printed on October 1st, today. The article, however, was
14 originally printed, as shown in the upper portion of the
15 document, Saturday, May 16, 2009.

16 Do you recall, Mr. Redacted speaking with the Seattle
17 Times about gay marriage?

18 A I've spoken to the Redacted many times about gay
19 marriage.

20 Q Do you recall this article?

21 A I think this article was Redacted with the Redacted
22 Redacted

23 Q So you spoke with Redacted with the Redacted

24 I've spoken with Redacted many times. I was just correcting
25 she isn't the Redacted

EGELER (Redac Redacted 10/1/10)

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1 Q I understand.

2 So it looks like the Redacted ran an Redacted

3 Redacted story?

4 A Her story.

5 Q When you've spoken to Rachel LaCorte about gay marriage, did
6 you do so with the assumption that your statements may be
7 published?

8 A Yes.

9 Q And to your knowledge, in addition to the Redacted
10 have your statements regarding gay marriage or Referendum 71
11 appeared in any other newspaper publications?

12 A Could you restate that?

13 Q Do you recall whether you've been quoted in any other
14 newspaper regarding your position regarding gay marriage?

15 A Yes, I have been.

16 Q Do you recall which newspapers?

17 A No. Many.

18 Q Do you recall any of the newspapers?

19 A The Redacted, the Re. I don't know.

20 Q No others come to mind?

21 A It's been a long time ago. I don't know.

22 Q Okay.

23 A There was a lot of press on this.

24 Q A lot of press that mentioned your name as well?

25 A A lot of press. I don't know how often I was mentioned.

EGELER (Redac Redacted 10/1/10)

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1 Q Do you recall speaking to any reporters, other than Redacted
2 Redacted, even if you don't recall their names?

3 A Yes.

4 Q Can you estimate for me how many reporters you spoke to
5 about Referendum 71?

6 A No.

7 Q Do you know whether it was more than five?

8 A I don't recall.

9 Q Is it fair to say that you certainly didn't make any effort
10 to keep your opinion regarding Referendum 71 a secret?

11 A Yeah, that's correct.

12 Q And to the contrary, you were actually a spokesman regarding
13 Referendum 71. Is that correct?

14 A Yes.

15 Q And I assume you signed the petition -- no, excuse me. You
16 wouldn't have signed the petition because you're not a
17 Washington voter, correct?

18 A Yes, that's correct.

19 Q Did you gather signatures on petitions?

20 A No, not personally.

21 Q Did you send out petitions to others for them to collect
22 signatures?

23 A I didn't.

24 Q Did the Redacted send out petitions to
25 others?

EGELER (Redac Redacted 10/1/10)

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1 A Yes.

2 Q Do you know how many petitions were sent out by the Redacted ?

3 A I don't know how many. Many.

4 Q More than 500?

5 A Oh, yes.

6 Q More than 2,000?

7 A Yes.

8 MS. EGELER: Mark this as Exhibit No. 4.

9 (Exhibit No. 4 marked.)

10 Q (By Ms. Egeler) And you have in front of you what's been
11 marked as Exhibit No. 4. This was printed from the Redacted
12 and Redacted site today.

13 Do you recognize this?

14 A It appears to have been on our Web site.

15 Q And do you see your name in the upper portion of the
16 document?

17 A I do.

18 Q Do you recall writing this?

19 A I don't recall.

20 Q Do you recall seeing it?

21 A I don't recall seeing it.

22 Q On the back page, do you see the signature at the bottom of
23 the page?

24 A I do.

25 Q Is that your signature?

EGELER ([Redac Redacted] 10/1/10)

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1 A Yes.

2 Q Do you think this is an accurate indication that you wrote
3 this?

4 A Probably.

5 MS. EGELER: Mark this as Exhibit No. 5.

6 (Exhibit No. 5 marked.)

7 Q (By Ms. Egeler) And you have in front of you what's been
8 marked as Exhibit No. 5. This, as reflected at the bottom
9 of the page, is from the [Redacted] site, and the
10 print date of September 30, 2010, is marked in the lower
11 right-hand corner. This is a two-page document.

12 Do you recognize this, Mr. [Redacted]

13 A It appears from our Web site.

14 Q Under paragraph 3, that appears to be a statement from you.
15 Can you please look at those two paragraphs and tell me
16 whether it indeed is a statement from you?

17 A It appears to be.

18 MS. EGELER: And Exhibit No. 6.

19 (Exhibit No. 6 marked.)

20 Q (By Ms. Egeler) And you have what's been marked as Exhibit
21 No. 6. The Web page, again as shown on the lower left-hand
22 side, is from the [Redacted] Web site, and the date
23 of the printing is in the lower right-hand corner, today's
24 date.

25 Do you recognize this page, Mr. [Redacted]

EGELER (Redac Redacted 10/1/10)

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1 A I recognize the picture.

2 Q And do you appear in that picture?

3 A Yes.

4 Q Do you recognize anyone else in that picture?

5 A Yes.

6 Q Who do you recognize?

7 A Redacted

8 Redacted I recognize all of them, but I don't recall their
9 names.

10 Q When lobbying was done on -- regarding Senate Bill 5688, you
11 stated that there were discussions with some Washington
12 State legislators.

13 Do you recall speaking to Matt Shea regarding Senate
14 Bill 5688?

15 A Yes.

16 Q Do you recall speaking with Redacted regarding Senate
17 Bill 5688?

18 A Yes.

19 Q In both instances, were those conversations in the context
20 of lobbying regarding Senate Bill 5688?

21 A No.

22 Q Can you tell me about the context of those discussions?

23 A The context was just in passing and it wasn't -- they were
24 very much opposed to Senate Bill 5688 and did not need
25 lobbying.

EGELER (Redac Redacted 10/1/10)

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1 Q Did you ever have any discussions with either of those
2 legislators regarding formation of a referendum?

3 A I did not.

4 Q Do you recall when this photo was taken?

5 A Probably the day the petitions were turned in to the
6 Secretary of State's office.

7 Q So the day that the petitions were turned in, did you assist
8 in that activity?

9 A I was present, obviously.

10 Q And from the looks of the picture, that was at the state
11 capitol. Is that correct?

12 A Yes.

13 Q Do you recall if there were any media there?

14 A I don't recall. I don't think so. I don't know.

15 Q In the written portion above the picture, just directly
16 above, it states, "Referendum 71," correct?

17 A Yes.

18 Q And in the line above that, there's a bolded portion that's
19 underlined that says, "To make a donation, click here."

20 Was the Redacted accepting donations
21 for activity regarding Referendum 71?

22 A Not at that point.

23 Q Was it at any point?

24 A I don't recall.

25 Q You don't recall whether or not the Redacted

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1 Network or its political action committee accepted donations
2 for support of Referendum 71?

3 A That isn't what you asked.

4 Q Okay.

5 A That wasn't the question you asked previously.

6 Q Do you recall whether the Redacted Political Action
7 Committee accepted donations for work on Referendum 71?

8 A Yes.

9 Q Can you tell me what the Redacted Political Action
10 Committee is?

11 A Well, it's a continuing political action committee.

12 Q Is it associated with the Redacted or Faith
13 and Freedom Redacted

14 A Network.

15 Q Yes, it's associated with the Network?

16 A Yes.

17 Q What's your association with the Redacted Political
18 Action Committee?

19 A I'm the Redacted

20 Q And the Redacted Political Action Committee did
21 actively solicit donations for work in promotion of
22 Referendum 71?

23 A Yes.

24 Q And do you recall how much the Redacted Political
25 Action Committee received in support of the Referendum 71?

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1 A No. Not much, because we directed most of it to the
2 referendum committee itself, Protect Washington Marriage --
3 Protect Marriage Washington or whatever.

4 Q And by "directed," do you mean that the Redacted
5 PAC accepted the money and then sent it on?

6 A We told people to give to the other because I was involved
7 with that.

8 Q Did you also tell them to give directly to the Faith and
9 Freedom Political Action Committee?

10 A We raised some money.

11 Q So in answer to my question --

12 A Yes.

13 Q -- yes, you did tell people to give directly to Redacted
14 Redacted as well?

15 A Yes, Political Action Committee.

16 Q And do you recall how much, roughly, was given to Redacted
17 Redacted Political Action Committee?

18 A No. Very little.

19 Q Do you recall roughly how much Redacted Political
20 Action Committee spent in support of Referendum 71?

21 A No, but it's a matter of record.

22 Q Do you know if it was more than \$500?

23 A I would assume it is.

24 Q Do you know if it was more than \$10,000?

25 A Not likely. I don't know.

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1 Q And did the Redacted Political Action Committee
2 register with the Washington Public Disclosure Commission?

3 A Yes.

4 Q Did it regularly file reports with the Public Disclosure
5 Commission?

6 A Yes.

7 (Exhibit No. 7 marked.)

8 Q And you have in front of you now what's been marked as
9 Exhibit No. 7 to your deposition and is reflected at the
10 bottom of the page, this is a page that I printed from the
11 Public Disclosure Commission's Web site. The date of that
12 printing is reflected in the lower right-hand corner.

13 Do you see on that page any expenditures that were made
14 by the Redacted PAC to support Referendum 71?

15 A I don't understand your question.

16 Q Let me walk through line by line. The first entry there, it
17 states under name, Redacted

18 Do you see that?

19 A I do.

20 Q There's an amount of \$1,544.

21 A Yes.

22 Q And over in the right-hand column, under description, it
23 states, "Redacted

24 A Yes.

25 Q Can you describe for me what that was, the F&F PAC share of

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1 printing flyer?

2 A I don't recall. I assume it was for printing some of the
3 materials that were put out on the referendum.

4 Q So that was money that the Redacted PAC sent to the
5 Protect Marriage Washington organization?

6 A Apparently. I don't -- I don't even sign checks for the
7 PAC. Colleen Morse manages the PAC.

8 Q Okay.

9 A And all of the records are with, as you knew when you asked
10 me, with the PDC. And whatever is there is what we
11 presented to them, what she has presented to them as the
12 manager of the PAC.

13 Q And I understand that she would do the actual filing. Is
14 that correct?

15 A Yes. She manages the PAC completely.

16 Q As the Redacted of the PAC, do you have responsibility for
17 management of the funds?

18 A Legal responsibility?

19 Q Yes.

20 A I don't know. Probably. I don't know.

21 Q And do you --

22 A Because she's very competent. We've never had a question
23 about any of it until now.

24 Q Is she authorized to expend funds without any authorization
25 from you?

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1 A No.

2 Q So when funds are spent, do you authorize that?

3 A Yes.

4 MR. PIDGEON: Again, I'm going to object to this
5 line of questioning. I thought this was a deposition about
6 threats and harassment associated with R71. It appears that
7 it's an in-depth exam of the records of the PAC, rather than
8 whether or not there's threats of harassment. I don't even
9 know how this is related to threats, harassment, or
10 intimidation in any way related to R71.

11 MS. EGELER: I'll respond generally with respect
12 to all of these relevance questions. It's very clearly
13 relevant to address Redacted extremely public
14 involvement with Referendum 71 that relates directly to any
15 harassment or threats that may have been received and the
16 contrast between what Mr. Redacted may have experienced as
17 opposed to those who simply signed the initiative.

18 MR. HAMILTON: I'll just interject, not to wade
19 into the particular dispute, but to note, this is a federal
20 action. The only objections that are appropriate are as to
21 the form of the question or to protect a privilege.
22 Speaking objections are absolutely inappropriate, so I would
23 just advise Counsel to just state your objection briefly for
24 the record, and argument isn't appropriate.

25 MR. PIDGEON: Okay. I'll abide by that, and with

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1 that, I'm going to object as to the form of the question.

2 Q (By Ms. Egeler) The fourth line down, looking still at
3 Exhibit No. 7, are you with me?

4 A Yes.

5 Q In the description of that line item, it states,
6 "Website" -- it looks like an abbreviation for --
7 "management for Ref 71."

8 Do you know what that would be for?

9 A Yes.

10 Q Can you describe that for me?

11 A It was for the fee for the woman who manages our Web site
12 because we used it nearly exclusively -- not exclusively,
13 but nearly so, for the referendum -- for the PAC, I'm sorry,
14 which was addressing the referendum.

15 Q So would that Web site have been the [Redacted]
16 Network Web site?

17 A It would have been -- yes. It would have been the [Redacted]
18 [Redacted] Web site dedicated to the PAC, and the PAC
19 was paying for it during that period of time, as I've been
20 instructed --

21 Q So --

22 A -- by the IRS.

23 Q Just to make sure I understand you, did you state that in
24 2009 that Web site was used almost exclusively to address
25 Referendum 71?

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1 A I did not say that. I said there was a period of time
2 during the petition gathering that it was used primarily for
3 that, not exclusively.

4 Q Okay.

5 A It was reimbursed from the PAC, the Redacted

6 Q And so it was used primarily to promote Referendum 71
7 petition gathering, correct?

8 A During a very short and defined period of time.

9 Q Do you know what that short and defined period of time was?

10 A I don't recall now.

11 Q Would it be the time period between the filing of the
12 Referendum with the Secretary of State and the submission of
13 the signatures to the Secretary of State?

14 A It would have been from maybe June to October.

15 Q Of 2009?

16 A Um-hmm, probably.

17 Q The seventh line, pretty much in the middle of the box,
18 states, "Steven Pidgeon."

19 Do you see that?

20 A Yes.

21 Q Looking to the description, it says, "Legal fees
22 Referendum 71."

23 A Yes.

24 Q Can you describe that for me?

25 A Steve Pidgeon did a lot of pro bono work for the

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1 Referendum 71. Our PAC and others that were involved tried
2 to help a little bit with his expenses, and that was a check
3 in that regard.

4 Q Were those legal services with respect to the Doe v. Reed
5 case?

6 A Yes -- no.

7 Q No?

8 A No. Let me correct that. That was -- I don't recall.

9 Q But you do recall it wasn't with respect to the Doe v. Reed
10 case?

11 A I don't recall specifically what it was from because he
12 worked from the beginning a lot of pro bono on the petition,
13 and at some point, the decision was made to file the Doe
14 v. Reed case. I don't know what date that was, and I don't
15 know how that matches with this date, so I couldn't give you
16 an honest answer on that. I don't recall.

17 Q But those expenses would have been related to services
18 regarding Referendum 71?

19 A Yes.

20 Q And looking two more lines down, it says an expense of \$900,
21 and in the description box, it says, "Web site management
22 for Internet promotion of Ref 71."

23 Do you see that?

24 A Yes.

25 Q Can you describe that expenditure for me?

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1 A I don't recall.

2 Q Do you know whether that would have been the [Redacted]

3 [Redacted] associated Web site?

4 A I don't recall.

5 Q And the fourth line from the bottom, the name there is

6 [Redacted] --

7 A Yes.

8 Q -- [Redacted] and in the description box it says, "Reimb postage
9 for Ref 71 materials."

10 Do you see that?

11 A Yes.

12 Q Can you describe that expenditure?

13 A Reimbursement for postage for R71 materials.

14 Q So was the [Redacted] PAC sending Ref 71 materials
15 directly or would it have been reimbursing another group for
16 its sending of materials?

17 A I don't understand the question.

18 Q Can you describe for me what that expenditure was?

19 A It was reimbursement of postage for R71 materials.

20 Q And it was a reimbursement of [Redacted] ?

21 A Yes.

22 Q Who is [Redacted] ?

23 A He's a pastor.

24 Q A pastor in Olympia?

25 A Yes. I think he's actually in Chehalis or Centralia now in

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1 a church.

2 Q So would Redacted have sent out Ref 71 materials
3 and you were giving --

4 A As a volunteer, yes. We were reimbursing his expenses for
5 postage.

6 Q Did you speak at any rallies regarding Referendum 71?

7 A Yes.

8 Q Can you tell me about that?

9 A I made a few comments on the steps of the capitol at a
10 rally.

11 Q Do you remember roughly when that was?

12 A No.

13 Q Was it during the time that signatures were being gathered?

14 A I don't recall the time of the rally in relation to the
15 petition. The governor didn't act for a long period of
16 time, so there was no real action on the petition until she
17 acted. I don't recall how that matched up with her
18 schedule.

19 Q Do you recall the nature of your comments?

20 A Yeah.

21 Q Can you tell me about that?

22 A Just talked about Judeo-Christian values and it's -- talked
23 about the importance of them in a healthy society.

24 Q Specifically, did you talk about those values as they relate
25 to gay marriage?

1 A I don't recall.

2 Q So you may have just talked generally about Judeo-Christian
3 values without referencing gay marriage?

4 A I don't recall how -- what I referenced.

5 Q What was the --

6 A I was one of many speakers.

7 Q What was the subject matter of that rally?

8 A I think it was called Standing for Marriage, I believe. I
9 don't recall. I believe it was called Standing for
10 Marriage.

11 Q Do you think it's possible you spoke without mentioning
12 marriage?

13 A Not likely.

14 Q Do you think it's possible you spoke without mentioning
15 homosexuality?

16 A That would be possible, but I don't know. I don't know what
17 I said in that. It's been more than a year ago.

18 Q Do you think that would be highly unlikely you didn't
19 mention it?

20 A I wouldn't speculate.

21 Q Did you speak at any other rallies?

22 A I spoke at one in Spokane.

23 Q Do you remember roughly when that was?

24 A I don't.

25 Q Was it hot out?

- 1 A I don't know if it was hot out or not. It was during the
2 period of time of R71. I don't know.
- 3 Q And what was the subject matter of that rally?
- 4 A It was a Protect Marriage rally, so I probably talked about
5 the value of natural marriage.
- 6 Q What's natural marriage?
- 7 A Well, DOMA.
- 8 Q Can you state what DOMA is?
- 9 A Marriage is between one man and one woman.
- 10 Q Would you have said or -- excuse me. Did you say anything
11 regarding marriage between persons of the same sex?
- 12 A I don't recall.
- 13 Q And was that discussed at all at the rally by anyone?
- 14 A I don't recall.
- 15 Q Do you recall anyone else who spoke at that rally?
- 16 A Larry Stickney did.
- 17 Q Do you know roughly how many were in attendance?
- 18 A I don't recall.
- 19 Q Do you think it was more than five people?
- 20 A Yes.
- 21 Q Do you think it was more than 100?
- 22 A Yes.
- 23 Q Do you think it was more than 500?
- 24 A I don't know.
- 25 Q Do you think it was more than 200?

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1 A I really -- I don't know. I don't remember.

2 Q And the rally in Olympia on the steps of the capitol, do you
3 recall whether members of the public attended that?

4 A Did members of the public attend that?

5 Q Yes.

6 A Yes.

7 Q Do you recall roughly how many people were in attendance?

8 A Yes.

9 Q How many?

10 A 2,400, according to the state patrol estimate.

11 Q Do you recall any other speakers at that rally?

12 A Well, I've already stated I was one of many. Stickney.

13 There were pastors, Redacted. I don't recall the
14 list. It was long. There were many.

15 Q So we discussed a rally in Spokane and one on the steps of
16 the state capitol. Do you recall any other rallies
17 regarding R71?

18 A I don't recall any more.

19 Q Did you attend any public debates?

20 A I don't recall that I did.

21 Q Did you speak to any television reporters regarding
22 Referendum 71?

23 A Yes.

24 Q Do you recall what station?

25 A No, probably -- no.

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1 Q Do you know if you were shown on TV?

2 A I believe so. I know there was one piece that [Redacted] did on
3 John Bisceglia advocating that Larry Stickney and myself be
4 killed.

5 Q KIRO was advocating that --

6 A God help us.

7 Q -- or John?

8 A John Bisceglia was advocating that Larry Stickney and [Redac
9 [Redacted] be killed.

10 Q Okay.

11 A And so KIRO 7 ran a story on that because they interviewed
12 me.

13 Q Can you tell me who John Bisceglia is?

14 A I would like to. The pieces I gave you that we couldn't
15 discuss is in there, and I would like to get that on the
16 record. I would like to talk about it.

17 Q Is there any reason we can't discuss that?

18 A Absolutely. Right now?

19 Q Yeah. I would like to turn now to any of -- well, actually,
20 let's wait a moment more.

21 Did you have any other, other than KIRO 7, any other
22 television interviews regarding Referendum 71?

23 A Yes.

24 Q Can you tell me about that?

25 A I don't recall. There were many.

1 Q Many. Okay.

2 Did you participate at all in the oversight of the
3 signature checking at the Secretary of State's office?

4 A Could you restate the question?

5 Q The signatures on the petitions were examined by the
6 Washington State's Secretary of State. Are you aware of
7 that?

8 A Yes.

9 Q Did you go to the Secretary of State's office at any time
10 during that signature checking process?

11 A Did I go to or oversee? You said oversee previously.

12 Q Did you oversee?

13 A No.

14 Q Did you go to the Secretary of State's office during that
15 process?

16 A Yes.

17 Q Were you present in the room at any time when signatures
18 were being checked?

19 A Yes.

20 Q And were there press in that room as well?

21 A I don't recall.

22 Q Did you speak on the radio regarding Referendum 71 at any
23 point?

24 A Yes.

25 Q Can you tell me about that?

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1 A They were soundbites. I don't -- I don't recall what
2 stations.

3 Q Do you recall whether you ever spoke on the Christian News
4 Network regarding Referendum 71?

5 A The Christian News Network?

6 Q I may not have stated that correctly.

7 A I'm not aware, yeah. No. I'm not aware of a Christian News
8 Network, so no.

9 Q Are you aware of speaking on any Christian media outlets --

10 A Yes.

11 Q -- regarding Referendum 71?

12 A (Witness nods head.)

13 Q "Yes"?

14 A Yes.

15 Q Can you tell me about what that was?

16 A Well, they called and I talked to them about it and said
17 what I believed about marriage as an institution that needs
18 to be protected.

19 Q Who was it that called?

20 A Well, there were a lot of them. I honestly don't know. I
21 mean, many. As far as Christian, there are only so many
22 Christian stations, so probably was the Salem stations,
23 Salem owned, Salem Broadcasting.

24 Q Are those television or radio?

25 A They're radio.

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1 Q So you would have spoken on the air?

2 A Probably. I was on the phone. I assumed I was on the air.

3 I don't know.

4 Q So let's talk about any threats or harassment you feel you
5 suffered as a result of your involvement with Referendum 71.

6 Would it be easiest if we go through the exhibits that
7 you've brought?

8 A Yeah, that would be great. I would like to go through that
9 with you. And, you know, I brought -- I only brought the
10 one for you, so could I reference that and then I'll give it
11 back to you?

12 Q You know what I think would be easiest if we go off the
13 record and make some copies.

14 A Super. That would be great. I appreciate it.

15 (Recessed at 9:58 a.m.)

16 (Exhibit Nos. 8 & 9 marked.)

17 (Reconvened at 10:06 a.m.)

18 Q (By Ms. Egeler) We've got Exhibits 8 and 9, and so, as
19 you point to things, if you want to say, "This says," if
20 you could indicate what exhibit you're looking at.

21 A I'm sorry. I didn't note which is.

22 Q The note that begins at the top, "So what are we to do," is
23 Exhibit 8.

24 A 8, okay.

25 Q The one that starts, Redacted is 9.

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1 A 9.

2 Q What it might be helpful to do, before we discuss the
3 details of them, is to have you describe what each of these
4 exhibits are. If you want to start with Exhibit No. 8, if
5 you could tell me what that is.

6 A Okay. Are we on now?

7 Q We are on.

8 A Exhibit 8 is one of two examples that I took from the
9 Internet just, I believe, yesterday, the date that I pulled
10 these. Actually it was Monday, I guess, the 27th. There's
11 two examples of pages of Google or Bing about me, about
12 Redacted and that are attack.

13 Q I don't understand what Exhibit No. 8 is. I don't see a Web
14 site listed on this. Is this a printing from a Web site?

15 A It is a printing from a Web site.

16 Q It was printed when?

17 A It was printed Monday, the 27 -- September 27th.

18 Q What is the Web site?

19 A It's John Bisceglia and his name is on the first page of the
20 8.

21 Q But what's the Web site?

22 THE WITNESS: What's the name of his Web site? I
23 don't know.

24 Q (By Ms. Egeler) You don't know what Web site this came
25 from?

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1 A I don't know the name of it. I didn't realize that I should
2 have brought the whole Web site. I brought his most recent
3 advocating for death.

4 Q Did you copy things from a Web site and put them --

5 A Yes.

6 Q -- in another document and then print?

7 A No. I just printed them off his Web site.

8 Q Okay. I'm --

9 A Directly to the printer.

10 Q Because there's no Web site listed at the bottom of the
11 page, but you're representing that John Bisceglia has a Web
12 page?

13 A Yes.

14 Q And you did not alter in any way what appears there by
15 deleting some of it, including other parts?

16 A I did not, no.

17 Q So you just pressed print and this is what came out?

18 A Yeah, that's correct. I apologize for not getting -- I was
19 trying to save a little paper.

20 8, No. 8, is -- there's a list of people there:

21 Senator John McCain, Tony Perkins. These are national

22 people. Larry Stickney, Redac Redacted Stephen Pidgeon, Red

23 Redacted, Senator Dan Swecker,

24 Representative Matt Shea.

25 Q It's okay. You don't need to read them off. This will be

1 in the record, so all of these names will be there.

2 What is your concern?

3 A Okay. The title of -- well, he's advocating that someone
4 kill us.

5 Q Where is that stated?

6 A On the next page and throughout the Web site, he states that
7 we are trying to hurt him and his children and other
8 people's children of -- that are gay.

9 And he said on page 2 -- and this is just recent. You
10 can go back years on this -- "Now just try to tell me that
11 we don't have serious reasons to defend ourselves and our
12 children and maybe your children also of all sexual
13 orientations from the hate speech spewed from Christian
14 mouths."

15 So how does he suggest that they protect themselves?

16 Q Can you show me where you're reading that? I'm not tracking
17 you.

18 A Page 2.

19 Q So is that the back of the first page? Correct?

20 A No. I'm sorry. It's the -- it would be page 3 --

21 Q So --

22 A -- the way this is copied.

23 Q So at the --

24 A No, the middle, middle of page 3.

25 Q But just to identify what page we're on, at the very top

1 there, it's got in parens 44.6 percent?

2 A Yes.

3 Q Are we on the same page?

4 A Yes, that's correct.

5 Q So where on the page did you want me to look?

6 A Right in the middle, the bold type, "Now to just try to tell
7 me that we don't have serious reasons to defend ourselves
8 and our children and maybe your children also of all sexual
9 orientations from the hate speech spewed from Christian
10 mouths."

11 This is -- on the last page of this is --

12 Q Can we stay with this page and the piece that you just
13 identified? Can you explain to me what your concern is with
14 this?

15 A Well, my concern is that there's a continued advocacy or
16 violence on the part of this man.

17 Q I see the piece that you've just read about defending
18 ourselves. Can you show me where there's an advocacy for
19 attacking or killing someone?

20 A On the previous page, it says, "You see," and there's a
21 check beside it --

22 Q Right.

23 A -- would be the back of page 1 per the copies you just made.
24 "You see, I get very angry and feel an intense need to
25 defend innocent people from harm's way when I read about the

1 family tragedies below. Knowing that they are a direct
2 result of the ignorance, lies, misinformation, bigotry,
3 pure-evil hatred of LGBTQ people is promoted daily by many
4 Christian groups. I feel an intense need to defend innocent
5 life from these assaults. As a child advocate and early-
6 childhood teacher, I especially feel compelled to protect
7 children."

8 Q Yes. And what is your concern with that paragraph that you
9 just read in?

10 A The list on the previous page, the first page, says, "Here
11 is a list of people whose mere existence is a serious threat
12 to our safety." The fact that we exist is the threat.

13 Q Okay.

14 A The last page that I copied here and there's -- there is
15 reams.

16 Q Let's stop. Let's stop. I just asked you about the
17 paragraph that appears on the back of page 1. You read in a
18 paragraph that begins, "You see, I get very angry and feel
19 an intense need to defend innocent people," et cetera,
20 et cetera.

21 Please explain to me how you feel that that is a threat
22 or harassment.

23 A Because he's advocating using a gun on his Web site.

24 Q Please show me where he advocates using a --

25 A That's what I was doing.

1 Q Okay.

2 A The last page, there's a picture and it's very prominent on
3 his Web site, "The abuse needs to stop. Now. Armed gays
4 don't get bashed. Pinkpistols.org."

5 Q And where does it advocate using guns on people and killing
6 them as opposed to defending one's self from attack?

7 A I'm suggesting that listing a list of names who are
8 pro-marriage, talking about the violence that these people,
9 myself included, are perpetrating upon the gay community and
10 advocating that abuse stops -- needs to stop now and the
11 picture of a gun held in the hands of an individual is
12 suggesting violence against this list, and that's exactly
13 what he's doing.

14 Q Mr. Redacted do you belong to the NRA?

15 A I do not. I resigned.

16 Q Do you support individuals' rights to bear arms?

17 A I do.

18 Q Do you support the right of individuals to defend themselves
19 if attacked?

20 A I do.

21 Q Does that mean that you support assertively going up to

22 people that you don't agree with who have not physically
23 attacked you, and rather than defending yourself,
24 aggressively killing them?

25 A You'll have to restate that question.

1 Q I thought it was an easy one.

2 A I didn't realize I was on trial.

3 Q Do you believe that individuals have a right to bear arms to
4 defend themselves --

5 A Yes.

6 Q -- or to -- do you feel that individuals, therefore, also
7 have a right to bear arms to attack others who have not
8 physically attacked them?

9 A No.

10 Q Can you please show me in this document, Exhibit No. 8,
11 where this individual asserts that it would be appropriate
12 to assertively attack someone as opposed to defending one's
13 self?

14 A There is a very easy, if one wants to make that
15 assumption --

16 Q I'm not asking for assumptions.

17 A -- easy transition --

18 Q Sir, I'm asking you to show me the words that assert that an
19 assertive attack would be appropriate as opposed to
20 defending ones' self.

21 A The whole Web site is hate.

22 Q I'm asking you --

23 A It is not on the page -- he does not advocate pulling the
24 trigger on Redac Redacted on these pages.

25 Q Where in this document does he advocate pulling the trigger

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1 on anyone who has not attacked physically innocent people?

2 A He does not.

3 Q Thank you.

4 Can you describe for me what Exhibit No. 9 is?

5 A This is a Web site that was apparently set up as a mock to
6 mock faith-based or traditional value-based organizations.
7 They define themselves as Faith Not Freedom News.

8 Q And that's the Web site that appears at the bottom left-hand
9 corner of what you've printed. Is that correct?

10 A Yes.

11 Q And the date that you printed it, is that reflected in the
12 bottom right-hand corner?

13 A Yes.

14 Q Okay.

15 A "Faith Not Freedom is an organization dedicated to
16 supporting the work of Washington State theocrats, most
17 notably Redacted et cetera. They --
18 page 2 -- 3.

19 Q And because what I copied for us in the original are a bit
20 different --

21 A Yes.

22 Q -- and our copies are two-sided, let's identify the page
23 you're on. Is that the one at the top that says, "Pam's
24 Blend" --

25 A "Pam's Blend of Perversion Tries to Out Our Agenda."

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1 Q Okay.

2 A Keep in mind that these people are speaking in a mockery
3 position, okay, as though they agree with Redacted
4 and Redac Redacted "It should be of no surprise that the
5 radical lesbian, Pam Spaulding tries to out my hero, Redac
6 Redacted I'm not their hero.

7 They quote Pam Spaulding here as saying, "From
8 Redacted point of view, if I disagree with someone who says
9 that I should be executed because I'm gay, then somehow I'm
10 being intolerant of that person's religion. The kind of
11 tolerance Redacted is looking for leads to violence. Should
12 I condone my own execution? Redacted apparently thinks so.
13 Redacted sickeningly ended his post with a plea for
14 donations to what he calls this ministry. He is using his
15 authority as a Christian minister to broadcast to the world
16 his certainty that I and every other gay person deserve
17 death. When we" -- "when will the press and general society
18 stop giving people like Redacted a pass because he calls
19 himself a Christian and a pastor and uses nice words like
20 'faith.' Let's recognize his words for what they are: a
21 condoning of lethal violence against gay people."

22 Now, there -- surely we can make a linkage because
23 these people are all reading these sites. Surely we can
24 make a linkage between Pam Spaulding saying and being
25 requoted on this mock site that Redac Redacted is advocating

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1 lethal violence against gay people. That is a lie and that
2 is slander, I am certain. I'm certain it is and we'll find
3 out about that.

4 But I will tell you that, with those kinds of words
5 being fed into the community, you have to create some kind
6 of linkage between what these people are saying and what
7 Bisceglia is saying and has said, and he did directly say
8 that Larry Stickney, Redac Redacted any churches and
9 government buildings that are involved in supporting Senate
10 Bill 5688 should be destroyed. He's scrubbed that from his
11 Web site, but KIRO caught it before he scrubbed it and they
12 ran a story about it.

13 Q Wait. He said what now? Can you repeat that?

14 A There should be linkage because these people are all
15 communicating with one another. They're all aware of each
16 other.

17 Q My question is: What did Bisceglia say that you claim was
18 scrubbed from his Web site?

19 A John Bisceglia put on his Web site -- I saw it. I did not
20 copy it. KIRO 7 saw it and reported on it. He said that
21 Redac Redacted Larry Stickney should be killed, and that
22 church buildings and government buildings that were involved
23 with or supportive of the R71 effort should be destroyed.
24 That's why KIRO news picked it up, KIRO 7, not the radio,
25 and reported on it.

1 Q Do you remember those words --

2 A He scrubbed it.

3 Q -- exactly or are you guessing?

4 A Well, I'm not guessing. I remember it because, when people
5 advocate that I get killed, that tends to stick in your
6 mind. Is it an exact quote? I don't know. He scrubbed the
7 site.

8 Q When was it posted on his Web site?

9 A I don't know. But KIRO, especially if there's a legal
10 action taken, we can get the information from KIRO because
11 they ran the story because they called me about it and
12 interviewed me.

13 Q When did you see it on his Web site?

14 A When he put it up.

15 Q When was that?

16 A I don't remember the date. I don't know, Anne.

17 Q So you don't remember when you saw it, but you're certain of
18 the words?

19 A Absolutely.

20 Q So you can -- you're saying under oath now that --

21 A Back then I didn't know it would be on trial now over this
22 having to recall that. And I'm not out to get anybody. If
23 I was out to get someone, I would have put out in the press
24 a long time ago that Senator Murray's foster son accuses him
25 of abusing him when he was a little boy. I would have put

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1 that out in the news, and I haven't done it.

2 Q I'm asking you --

3 A I'm not trying to hurt gays. I've never had a problem
4 with -- as a pastor, I've reached out to gays. I've helped
5 them over the years when I was pastor in North Hollywood,
6 when I was a pastor in Portland, and even when I was a
7 pastor here in Bellevue 40 years ago.

8 Q I'm not asking you --

9 A I'm not trying to hurt anyone.

10 Q -- if you want to hurt anyone. I'm asking you: Do you
11 remember, and can you state under oath, that the words that
12 you told me appeared on that Web site are exactly the words?

13 A No. I can't say under oath they were exactly, but that was
14 the message. KIRO got the message. Anyone who's not blind
15 by their bias will get the message: kill Redacted kill
16 Stickney. They got it.

17 Q And Exhibit No. 8, which you stated came from Bisceglia's
18 Web page, do you know when this information was posted on
19 his Web page?

20 A It was -- the list of John McCain, Tony Perkins, Redac
21 Redacted Stephen Pidgeon, et cetera, looks like it was
22 posted at 9:37 a.m. on a certain day. I'm -- I don't know
23 that he'll hear of this deposition today and get it scrubbed
24 by this afternoon, but anyone can go on there and check it
25 out.

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1 Q Do you know the date this material in Exhibit No. 8 was
2 posted by him?

3 A I don't have -- I don't have access to what he does on
4 certain days. All I know is, you go on his Web site --

5 Q So is the answer no?

6 A You go on his Web site, this is what you get.

7 Q Is your answer --

8 A This is a recent post.

9 Q Is your answer, no, you do not know when this information
10 was posted?

11 A I know that it was very recent.

12 Q How recent?

13 A I don't know the date, but it was very recent.

14 Q I need a range. Approximately when? What does "very
15 recent" mean to you?

16 A During the month of September. Because September 18, 2010,
17 is referenced on his -- right here on the first page.

18 Q On the first page?

19 A Yeah. That list is above that, so it looks like to me it
20 was sent September 18th.

21 Q The material in Exhibit No. 9, when was this posted?

22 A Well, the first page is an idea of their organization. The
23 other, I don't know when it was posted. It looks like maybe
24 March.

25 Q Does anything in Exhibit 9 reference Referendum 71?

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1 A No.

2 Q Does anything in Exhibit 8 reference Referendum 71?

3 A No.

4 Q Do you know John Bisceglia?

5 A No.

6 Q Do you know what his practices are with respect to reading
7 Web pages?

8 A No.

9 Q So you don't know whether or not he read this Faith Not
10 Freedom material in Exhibit No. 9?

11 A No. I know there's a lot of communication in the gay
12 community.

13 Q How do you know that?

14 A I've been told that.

15 Q By whom?

16 A People.

17 Q By whom?

18 A I don't recall who, but a lot of communication. They know
19 what's going on. Any community that is driven by a single
20 or -- single belief or a single item is -- communicates.
21 It's normal.

22 Q It's normal.

23 So do you know everybody who's communicated about
24 Referendum 71?

25 A No.

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1 Q Do you know everything they've said?

2 A No.

3 Q So is this abnormal, that you wouldn't know everything
4 that's said and everyone who said it?

5 MR. PIDGEON: Objection as to form.

6 Q (By Ms. Egeler) You can go ahead and answer.

7 A What's the question?

8 Q Is this abnormal, that you wouldn't know everyone in the
9 Referendum 71 effort and what they've said?

10 A No.

11 Q So isn't it possible as well that, in the gay community, not
12 every gay person knows each other in the state?

13 A I didn't say, for the record, that all gay people knew
14 everybody in the state that was gay. I said there's a lot
15 of communication within the gay community.

16 Q Isn't it possible that some gay people put things on the
17 Internet that other gay people in the state do not see?

18 A Anything is possible.

19 Q Have you ever publicly discussed the position of another
20 religion with respect to homosexuality?

21 A A specific religion?

22 Q Yes.

23 A No.

24 Q Have you ever talked about the position of Islam with
25 respect to homosexuality?

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1 A Not that I recall, I haven't. I know what their position
2 is, but I don't recall that I've ever discussed it openly --
3 publicly.

4 Q Do you know, looking at Exhibit No. 8, what expression you
5 may have publicly made that may have caused this response?

6 MR. PIDGEON: Objection as to the form of the
7 question.

8 Q (By Ms. Egeler) You can go ahead and answer.

9 A I believe that my beliefs are in opposition to their
10 beliefs, and if one does not support the gay agenda, one is
11 a bigot and they have labeled me as a bigot. I am not.

12 Q Are you aware of any discussion that took place on the
13 Internet, in which you were involved, which discussed
14 execution in some Islamic countries of homosexuals?

15 A You better do the question again.

16 Q Are you aware of ever publicly referring to Islamic religion
17 or any religion executing people for engaging in homosexual
18 acts?

19 A I don't believe I've ever made that statement, although it
20 is true they do.

21 Q Have you ever publicly discussed anyone else's reference to
22 execution of homosexuals?

23 A Not that I recall.

24 Q In addition to the materials in Exhibits 8 and 9, have you
25 experienced anything else that you would consider harassment

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1 or threats as a result of your involvement with
2 Referendum 71?

3 A There is a river of advocating against me personally on the
4 Internet.

5 Q Do you have anything specific that you would like to
6 discuss?

7 A No.

8 Q When did you first see -- excuse me. Exhibit No. 8, is the
9 exhibit you said you saw recently?

10 A Both Exhibit 8 and Exhibit 9 were copied off the Internet on
11 September 27th.

12 Q Was that the first date that you saw those?

13 A No.

14 Q What was the first date that you saw Exhibit 8?

15 A I don't recall.

16 Q Is that the exhibit that you said you saw extremely
17 recently?

18 A I saw it on September 27th. I copied it.

19 Q Did you see it before then?

20 A I don't recall if I did. I don't -- I try not to spend a
21 lot of time on those Web sites. It's a little depressing.

22 Q On September 27th, is that the -- yeah. September 27th, did
23 you contact the police or any other law enforcement about
24 the material in Exhibit No. 8?

25 A No.

1 Q Why not?

2 A I wasn't thinking about my own protection. I was thinking
3 about trying to make a reasonable expression of the kind of
4 slander and violent advocacy that's made toward me on an
5 ongoing daily basis.

6 Q And you feel Exhibit No. 8 is violent advocacy, correct?

7 A I think it's a part of that. It's all linked, and I was
8 trying to make the linkage. And I was denied that by you,
9 but there is linkage there and violence will happen at some
10 point. I'm certain of that.

11 Q If you do feel violence will happen at some point, are you
12 now going to contact the police about Exhibit No. 8?

13 A I don't know. There's so much evidence of advocacy towards
14 violence on the part of some of the gay activists, not all,
15 but some, I don't know if I will contact the police or not.

16 Q Why wouldn't you? What causes your uncertainty?

17 A I don't know that that would be the best evidence to give
18 them. It was recent evidence. I inadvertently and naively
19 thought that this deposition today was about whether the
20 names of the people who signed Referendum 71 should be
21 released.

22 Q And I'm asking you: For what reason would you consider not
23 contacting the police about the contents of Exhibit No. 8?

24 A And I answered that question.

25 Q Why would you -- why would you not contact the police? I

1 haven't had an answer to that.

2 A You have had an answer. It's on the record.

3 Q What's your answer?

4 A My answer is that I don't know that that would be the best
5 evidence. As a result of sitting through this, I would want
6 to go back and look at the evidence, other evidence, but
7 there is a river of evidence.

8 And whether or not this affects the release of a bunch
9 of innocent people who signed -- names of people who signed
10 Referendum 71, there is evidence and it is linked because
11 they're quoting one another from one Web site to the other.
12 It is linked.

13 Q What causes you to think that this might not be the best
14 evidence?

15 MR. PIDGEON: Objection as to form.

16 A I would want to review other evidence and I would want to
17 hire a professional to review it.

18 Q (By Ms. Egeler) I'm asking you about Exhibit No. 8. What
19 makes you feel that Exhibit No. 8 would not be the best
20 evidence to provide to the police?

21 A There may be stronger evidence. I need to look.

22 Q What about Exhibit No. 8 do you feel isn't strong?

23 A I have no comment on that. I can't comment on it. I can't
24 compare it. I'm not a lawyer.

25 Q I'm not asking for your legal impression. I'm asking why

1 you do not feel Exhibit No. 8 is sufficient to take to the

2 police. And you stated --

3 A I thought it was a sampling that would just be accepted as

4 what it was on face value in an honest deposition of what is

5 being said out there. I can make a greater case before I

6 would go to the police.

7 Q Okay.

8 A But I believe there is a case to be made.

9 Q Turning to Exhibit No. 9, did you first see this on
10 September 27th?

11 A I've been aware of that Web site for some time.

12 Q Did this material that's reflected in Exhibit No. 9 exist in
13 the past on the Web site?

14 A Much exists on the Web site. I don't know.

15 Q Do you know if the material in Exhibit No. 9 existed on the
16 Web site before September 27th of 2010?

17 A I don't know.

18 Q Did you inform the police about the material in Exhibit
19 No. 9?

20 A No.

21 Q And why not?

22 A Because I copied it for the purpose of bringing it here
23 today because I thought this was a deposition about R71
24 names, whether they should be released or not.

25 Q Do you feel the material in Exhibit No. 9 constitutes a

1 threat of physical violence to you?

2 A When linked to other Web sites and what is being said, of
3 course it does.

4 Q And would Exhibit No. 8 be one of those Web sites that you
5 would link to Exhibit No. 9 as evidence of a threat of
6 physical violence?

7 A It would in its totality. I've isolated a few pages here,
8 ignorantly, I now know.

9 Q Have you contacted the police to tell them about the
10 totality of these Web sites?

11 A No.

12 Q Why not?

13 A I've been focused on doing what I could do to protect the
14 people who signed the petitions. I've been compromised, and
15 this is clear indication of that today. I'm already
16 compromised. I don't think that the people, 138,000 people
17 or whatever, that signed those petitions need to be put
18 through what I've been through and what Stickney's been
19 through.

20 Q So if I understand correctly, you feel that you are at risk
21 currently of a physical attack by the individuals who have
22 posted material publicly on Web pages, but you do not feel
23 it's sufficient to report to the police?

24 A I didn't say that.

25 Q Do you feel it's sufficient to report to the police?

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1 A It very well could be.

2 Q Do you intend to report to the police?

3 A I intend to review it with my lawyer.

4 Q If you do report it to the police, do you trust your state
5 or local officers to protect your safety?

6 A I've always trusted law enforcement.

7 Q During the period that Referendum 71 was being promoted, did
8 you suffer any physical attack?

9 A No.

10 Q Do you know anyone who did?

11 A Yes.

12 Q Who?

13 A Redacted

14 Q Redacted

15 A Um-hmm.

16 Q This is the son of Redacted

17 A Yes.

18 Q And who is Redacted

19 A She's a citizen.

20 Q Of what state?

21 A Washington.

22 Q And what occurred with her son?

23 A She received a death threat over the phone. It's a matter
24 of the record.

25 Q But what physical attack occurred with her son that you're

1 aware of?

2 A Following a -- the phone call that he took, it's my
3 understanding, I've been told that he took this call. It
4 was a death threat directed at his mother. Traumatized him
5 for sure. They were at a campaign shortly after that.
6 She's running for office in District -- I don't recall which
7 district now. Someone drove by and threw food or some
8 substance on her son.

9 Q And was that related to Referendum 71?

10 A She believes it was.

11 Q Do you --

12 A I don't know the details.

13 Q Do you know where she was? You said she was campaigning.
14 Where was she?

15 A She was at a meeting where Rob McKenna was in attendance.

16 Q Where was that meeting?

17 THE WITNESS: Do you know where the meeting was?
18 I don't know.

19 Q (By Ms. Egeler) I'm sorry. But you can't confer with
20 Counsel.

21 A I don't recall.

22 Q Do you recall if she was even in the state when it occurred?

23 A She was in the state.

24 Q Do you know any of the details of the incident?

25 A I told you what I know. I don't know further details.

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1 Q And is it your understanding that a homosexual attacked the
2 son?

3 A It's my understanding that she felt that was the case.

4 Q That a homosexual attacked her son?

5 A An activist.

6 Q An activist, but not necessarily someone who is gay?

7 A An activist.

8 Q An activist on what?

9 A On equal rights, gay rights.

10 Q Do you know why she would feel that?

11 A No.

12 Q Do you know whether the event happened during the time that
13 Referendum 71 was an issue? In other words, did it happen
14 prior to the election?

15 A I believe it was shortly after the -- it was after the
16 election.

17 Q Do you know if the son was in any way indicating orally or
18 visually to the person that threw food that he had a
19 position on Referendum 71?

20 A No.

21 Q Who told you about this event?

22 A Several people have told me about it. Larry Stickney told
23 me about it. Redacted has told me about it.

24 Q Any other physical attacks you're aware of?

25 A No.

1 Q Did you receive any e-mail or phone calls that you felt were
2 threats or harassment during the time Referendum 71 was
3 pending?

4 A No. More slander, mostly slander.

5 Q Mostly slander where? Through e-mail or phone calls?

6 A Yeah, phone calls.

7 Q Can you tell me about each of those phone calls?

8 A I don't recall.

9 Q So is it fair to say you don't recall whether you received
10 any slander or any other threats or harassment via phone
11 calls?

12 A That wouldn't be fair.

13 Q Tell me what you do recall.

14 A It would be fair to say that I recall getting slanderous
15 phone calls, several of them from The Stranger. Others, I
16 don't recall. I didn't keep a record of it.

17 Q Slanderous in what regard? What was said?

18 A I don't recall. It was slanderous. It was offensive for
19 sure, but I felt it was slanderous. I felt I didn't want to
20 pursue it because it wasn't about me. It was about the
21 referendum.

22 Q How many of these calls were there?

23 A I don't know.

24 Q Do you know if it was more than two?

25 A Yes.

1 Q Was it more than five?

2 A It could have been. I don't know.

3 Q How do you know it was more than two?

4 A Because it was. I don't know, two to five. I don't know
5 how many calls because I stopped taking them.

6 Q So they didn't make enough of an impression on you that you
7 remembered when it occurred?

8 A They made a profound impression on me. That's why I stopped
9 taking the calls.

10 Q So let's talk about the call from The Stranger. What was
11 said?

12 A It wasn't a call. There were a number of calls.

13 Q A number of calls from The Stranger?

14 A Yeah.

15 Q From a reporter at The Stranger?

16 A Yeah.

17 Q And what was said by the reporter?

18 A I don't remember. It was just adversarial. It was a
19 fishing expedition.

20 Q What was said that was offensive?

21 A Just the tone and the attack of the conversation.

22 Q Can you tell me about the attack?

23 A Yeah. They didn't threaten my life.

24 Q What did they say that you found to be an attack?

25 A I don't recall.

1 Q Could it simply be that they disagreed with your position?

2 A No. It was much more than that.

3 Q You said it had profound impact and yet you don't remember
4 anything?

5 A Yeah. I don't recall the words. I couldn't quote them.

6 Q Do you know when it occurred?

7 A During Referendum 71.

8 Q Do you recall what season it was?

9 A It was 2009 during the referendum after Governor Gregoire
10 signed the bill and up to the election, during that period.

11 Q So you don't even remember what season it was, but it was
12 just sometime --

13 A I just told you the season. It was two thousand -- I
14 misunderstood the question.

15 Q Do you recall the season: fall, spring, summer? Do you
16 recall the season that it was when you were called by The
17 Stranger?

18 A When did Governor Gregorie sign Senate Bill 5688?

19 Q At the time she signed, that's when you received the call?

20 A It was after that, prior to the election.

21 Q We went through a lot of seasons there, so you don't recall
22 what season, correct?

23 A I don't recall that there were a lot of seasons there
24 because she waited until the last possible day to sign that
25 bill, which impacted our ability to do what we had publicly

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1 said we were going to do, so we're talking about summer and
2 maybe the first part of fall.

3 Q I believe the election was in November --

4 A Yeah.

5 Q -- of 2009.

6 A I said it was prior to the election. It was after she
7 signed the bill --

8 Q Correct.

9 A -- and prior to the election.

10 Q Do you remember if it was summer or fall when this occurred?

11 MR. PIDGEON: Objection.

12 A No.

13 Q (By Ms. Egeler) And yet it made a profound impact on you?

14 A Yeah. The tone, the approach, sure.

15 Q And any other phone calls that you recall?

16 A No.

17 Q Any other threats or harassment that you received that you
18 think was related to Referendum 71?

19 A No.

20 Q No. Anything after the election --

21 A No.

22 Q -- that occurred? No.

23 Have you continued to, after the election, be outspoken
24 on the issue of same sex marriage?

25 A The Bible is outspoken on same sex relations, and I believe

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1 the Bible.

2 Q Have you continued?

3 A I've been a minister my entire life, since 1960.

4 Q Have you continued to be outspoken on same sex marriage
5 since the time of the election on Referendum 71?

6 A Yes.

7 Q Do you recall speaking in the press about same sex marriage
8 since November of 2009?

9 A No, I don't believe so, because they haven't asked me about
10 it since then.

11 MS. EGELER: Mark this Exhibit No. 10.

12 (Exhibit No. 10 marked.)

13 Q (By Ms. Egeler) Looking at Exhibit No. 10, this is an
14 exhibit that, as reflected at the bottom of the page, was
15 printed from the Redacted . It was printed today, as
16 reflected in the bottom right-hand corner, and it is stated
17 just above the picture on the page the article was updated
18 on Redacted

19 Are you familiar with this article, Mr. Redacted

20 A No.

21 Q If you turn to the back of the first page, at the top of the
22 page, it begins with a quote, Redacted
23 Redacted

24 Do you see where I am?

25 A I do.

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1 Q If you turn -- if you stay with that page, go down to the
2 third paragraph, it talks about [Redac Redacted Redacted] of
3 the Bellevue, Washington-based [Redacted]

4 Do you see that and the following paragraphs?

5 A Yes.

6 Q Would you take a minute to read that.

7 A Yeah, I've read it.

8 Q Do you recall speaking to an AP reporter about this
9 incident?

10 A I never spoke to an AP reporter about that.

11 Q Did you speak with anyone at [Redacted]

12 A No.

13 Q Do you recall who you did speak to about this?

14 A I didn't speak to anyone about that, in regards to this
15 article.

16 Q So to the best of your knowledge, the paper simply made this
17 up?

18 A I didn't say they made it up.

19 Q Let's read that third paragraph. It states that this is a
20 quote of your blog.

21 A Yes.

22 Q Do you see that?

23 Do you think this is an accurate quote from your blog?

24 A Yes.

25 Q Would that be a [Redacted] blog?

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1 A I don't recall if it was a Network or PAC blog.

2 Q But it would be fair to say that this quote did come from a
3 blog posting that you made?

4 A Yes.

5 MS. EGELER: Let's mark this as Exhibit No. 11.

6 (Exhibit No. 11 marked.)

7 Q (By Ms. Egeler) And Exhibit No. 11 at the bottom states
8 it's from the Redacted Web site, again printed
9 today, October 1, 2010. At the top of it states this is a
10 blog posting from Thursday, February 4, 2010. The headline
11 is, Redacted

12 Do you recall making this blog posting?

13 A It looks familiar. This could be accurate. Could be mine.

14 Q Can you turn to the back page of that exhibit and read the
15 last two paragraphs, the first one beginning with, "We need
16 to get real"?

17 A Redacted

■

■

■

■

■

23 Q Do you know if the material in Exhibits 8 and 9 was posted
24 following --

25 A I do not.

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1 Q -- your blog in Exhibit No. 11?

2 A I do not.

3 Q So you don't know if Exhibits 8 and 9 relate to comments you
4 made regarding Referendum 71 or whether it relates to
5 comments you made regarding the issue of same sex marriage
6 generally. Is that right?

7 A I know it relates to me personally. I don't know.

8 Q You don't know if it relates to Referendum 71?

9 A No. I don't know what they're thinking, no. I don't know
10 what the bloggers were thinking.

11 MS. EGELER: I have no further questions at this
12 point.

13 THE WITNESS: Great. Thank you.

14 MR. HAMILTON: I have a few, and I'm going to
15 suggest that we take a five-minute break before we go.

16 Steve, I don't know if you have a few questions as
17 well.

18 MR. DIXSON: So long as you're going over the
19 August 6th blog post, I will let you do that. I have very
20 few questions we can do after the break.

21 MR. HAMILTON: Okay. Let's take five minutes.

22 (Recessed at 10:53 a.m.)

23 (Exhibit No. 12 marked.)

24 (Reconvened at 10:58 a.m.)

25 ///

HAMILTON (Redacted Redacted 10/1/10)

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1 EXAMINATION

2 BY MR. HAMILTON:

3 Q Mr. Redacted good morning. My name is Kevin Hamilton. We
4 introduced ourselves before the deposition began, but let me
5 do it again on the record. I represent Washington Families
6 Standing Together, an organization I think you're familiar
7 with, of organizations and religious groups that were
8 opposed to the effort to put Referendum 71 on the ballot.
9 So I'm just going to ask you a few questions about some of
10 the materials and some of the issues that we've been talking
11 about.

12 In front of you is Exhibit No. 12. Are you familiar
13 with this document?

14 A Yeah.

15 Q What is it?

16 A Well, it's probably from a bio on me.

17 Q And do you know where this bio is? Who wrote it?

18 A I don't recall. I would have been involved in the writing
19 of it.

20 Q It's accurate, an accurate sort of biographic summary of
21 your life and career?

22 A I think so. I haven't read it recently, but yes, I would
23 think it would be.

24 Q This is something that is posted on your Web site?

25 A I believe it is, yeah.

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1 Q Available for anybody who wants to --

2 A I think so.

3 Q -- know more about who Redac Redacted is, what he does?

4 A I believe it is, yeah.

5 Q It says you've -- you were perhaps best known for nearly
6 20 years on the radio and television. Is that true?

7 A Yes.

8 Q So it sounds like you hosted a talk show in Portland,
9 Oregon, for 12 years, from 1978 to 1990?

10 A Yes.

11 Q Included a number of highly prominent people that you name
12 here?

13 A Yes.

14 Q And then you also hosted a daily radio program for eight
15 years, also aired in various cities in the Pacific
16 Northwest?

17 A Yes.

18 Q You know, I'm looking down about the middle of the page. It
19 says in 1993 you cofounded something called Redacted

20 Redacted

21 A Yes.

22 Q Do you see that? What was that?

23 A It was a holding -- Redacted was a
24 holding company. It's now called Redacted, but
25 it was originally called Redacted. It was

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1 cofounded by Redacted , and it included
2 Christian supply stores, which was a company, for-profit
3 company, Redacted , which was Pamplin, which
4 was a separate company, and Redacted
5 and it's what it is. It's what it was. I retired ten years
6 ago.

7 Q It says you left the company in March 2001?

8 A Yes.

9 Q And it says since that time you've been a frequent speaker
10 for churches, service clubs, conventions, and leadership
11 groups?

12 A I was.

13 Q And you continue to, aren't you?

14 A No, not necessarily. I'm not that active now.

15 Q Fair to say, over the last ten years, you've been a frequent
16 speaker for churches, service clubs, conventions, and
17 leadership groups?

18 A It would be fair to say, the five years following my
19 retirement, I was.

20 Q So from about 2001 to about 2006?

21 A Probably.

22 Q You're fairly comfortable in a public speaking role,
23 correct?

24 A Yes.

25 Q You've been on television and radio and frequently speaking

HAMILTON (Redac Redacted 10/1/10)

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1 in front of community groups?

2 A Yes.

3 Q 2004 you founded the Redacted

4 A Yes.

5 Q And then in 2005 it says the Redacted

6 was merged into Redacted

7 Redacted, which now operates as Redacted

8 A That's not exactly correct.

9 Q Okay.

10 A It's a misstatement, and I was not aware of that.

11 Q That's fine. Why don't you just tell us and correct it, if
12 you could?

13 A Yeah. Why I don't trust you and just get right to what I
14 think you're after here. Redacted the name, not
15 the foundation, the name Redacted was merged with
16 Redacted. It
17 became Redacted and that's a 501 C4
18 advocacy organization.

19 Q And Redacted --

20 A Redacted

21 Q -- is a separate entity?

22 A Yes.

23 Q A 501(c)(3)?

24 A Yes.

25 Q That means it's tax exempt and --

HAMILTON (Redac Redacted 10/1/10)

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1 A Yeah.

2 Q -- tax --

3 A It's not a church, but it's like a church, yes. Or it's
4 like -- I assume, Washington, your client, is a 501(c)(3), I
5 believe. I don't know. But it's a 501(c)(3) and the
6 Network is a 501(c)(4) and they've been audited.

7 Q Thank you.

8 The last line says you're married to Redacted That's
9 your spouse?

10 A Yes.

11 Q You've only been married once?

12 A Yes.

13 Q You have three children and three grandchildren?

14 A I have four grandchildren now.

15 Q Congratulations.

16 A Thank you.

17 MR. HAMILTON: Let me mark Exhibit 13, if I
18 could.

19 (Exhibit No. 13 marked.)

20 Q (By Mr. Hamilton) I'm handing you what's been marked as
21 Exhibit No. 13. Are you familiar with this document?

22 A Yes.

23 Q What is it?

24 A It was a comparative educational item for voters.

25 Q What was the purpose of it?

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1 A To show voters the difference between two candidates.

2 Q Were you intending to promote one or the other?

3 A Not through the Network, I wasn't.

4 Q No. I mean with this document -- I'm sorry --

5 A No.

6 Q With this document, were you intending to -- sometimes
7 you're going to anticipate what I'm going to ask, but for
8 the court reporter, you have to wait. I'll promise not to
9 interrupt you, if you promise not to interrupt me.

10 There's some language in here that sort of appears to
11 focus on both the top and bottom with respect to these
12 candidates and the position on gay rights. I'm just -- I
13 guess my question is: By picking out those bullets and
14 preparing this, were you intending to suggest voters should
15 vote for one or the other?

16 A The intention of this was purely educational. People wanted
17 to know the difference between the two candidates on certain
18 issues.

19 Q Was there a reason you just didn't say vote for Steve
20 Johnson and against Susan Owens?

21 A Well, because it wasn't an advocacy piece. It was an
22 educational piece. It was a perspective.

23 Q How was this distributed?

24 A You know, I don't recall.

25 Q How was it paid for?

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1 A Through the Network.

2 Q And was it treated as a contribution, an in-kind
3 contribution, to either candidate?

4 A No. Because it was educational.

5 Q So it was paid for by the Network, not the Political Action
6 Committee?

7 A I honestly don't recall. We're talking a couple years ago
8 here.

9 Q But this was posted on the Web site?

10 A It was.

11 Q And it was intended to highlight the differences between the
12 two candidates for educational purposes?

13 A For educational purposes, yes.

14 Q I guess it's possible that people who supported Susan Owens
15 might not have been very happy about this?

16 MR. PIDGEON: Objection as to form.

17 Q (By Mr. Hamilton) You can answer.

18 A I don't know the people who supported Susan Owens.

19 (Exhibit No. 14 marked.)

20 Q Hand you what's been marked Exhibit 14. I'm handing you
21 what's been marked Exhibit No. 14. It is a screen shot
22 taken from a Web site that contains a video of your
23 statements at a rally at the state capitol.

24 First of all, let me just ask: Are you familiar with
25 this particular Web site? Have you seen it before?

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1 A Which Web site is it?

2 Q Well, it's Vimeo, which hosts videos that can be posted.

3 I'll direct your attention here right underneath the caption
4 that says, "Redac Redacted Redacted

5 Right below that, it says, "By Redacted

6 That suggests to me that your organization posted the
7 video here. That's really what I'm asking you.

8 A I don't know if we did or not. We could have. There were
9 several volunteers working with us during that time and some
10 of them were video production people and they very well
11 could have.

12 Q And it wouldn't -- certainly wouldn't have been offensive to
13 you to have your speech at the state capitol put up on the
14 Web?

15 A No.

16 Q In fact, you would have been happy about that because it got
17 your message out?

18 A It was not offensive to me for them to put it up.

19 Q Right below the little video box, it says, "Redac Redacted
20 Redacted

21 Does that sound like about the time that you were
22 speaking at that rally?

23 A I don't know. It probably is. I don't remember the date of
24 the rally.

25 Q Right. You don't have any reason to disagree with the

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1 representation?

2 A No. I don't know that it wasn't March 19. I don't know
3 that it was. I don't know what date it was. I don't
4 recall.

5 Q In the box, in the big black box, where the video would be
6 if this were something other than a piece of paper, there's
7 a little number, 7 minutes, 37 seconds. Does that sound
8 like about how long you spoke at the rally? Do you know?

9 A Sure. I don't know.

10 Q Roughly five to ten minutes?

11 A Yeah -- yes.

12 Q Now, during the first part of your deposition, you were
13 asked a bunch of questions about your statements in the
14 press during the time of the Referendum 71 effort.

15 Do you recall those questions?

16 A I recall that there were a lot of them.

17 Q I'm going to quickly move through a series of articles
18 here just to see if we can refresh your recollection about
19 statements you made in the press. First will be Exhibit 15.

20 (Exhibit No. 15 marked.)

21 Q I will represent to you, this is an article that was printed
22 yesterday from the Redacted Web site, but it relates to
23 an article originally published on October 14, 2009.

24 Do you see the -- let's see. The third to the last
25 paragraph on the first page describes you as a 68-year-old

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1 ordained minister and former TV show host?

2 A Yes.

3 Q And did you speak with the reporters in connection with this
4 article? Does this refresh your recollection?

5 A Yes.

6 Q Let's look at -- that was voluntary, by the way. Nobody
7 compelled you to speak to the reporters in connection with
8 Referendum 71 on this occasion, right?

9 A I'm not sure I understand that question.

10 Q Well, let me ask it a little bit broader, stepping back.
11 During the Referendum 71 campaign, one of your roles with
12 respect to the referendum process was to be a spokesperson,
13 correct?

14 A Yeah. They asked me to speak.

15 Q And take a public role in promoting people -- getting people
16 to sign the referendum, right?

17 A Yes.

18 Q And so we're going to look at a few of these, but you spoke
19 on a regular basis to the media about Referendum 71 and why
20 people ought to sign it?

21 A Yes.

22 Q Let's look at another one.

23 (Exhibit No. 16 marked.)

24 Q I'm handing you what's been marked Exhibit 16, and this
25 was printed from The Redacted Snohomish County Web site, and

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1 it's actually an article that you published. Isn't that
2 true?

3 A I was not aware of this in the Redacted Net.

4 Q The date it was published was October 11, 2009.

5 Do you see that?

6 A I see that, yes.

7 Q And the headline is, Redacted

8 Redacted

9 A Yes.

10 Q Author is Redac Redacted

11 A I see that.

12 Q You wrote the article, didn't you?

13 A I think I did. I was not aware that the Redacted Net carried
14 it, but it looks familiar. This could be accurate.

15 Q At the bottom, it says, "Redac Redacted is the Redacted and
16 chairman of the Redacted

17 A Yes.

18 Q You wrote this piece and tried to have it published in as
19 many places as possible. Is that a fair statement?

20 A No. I wrote the piece and there was some people that wanted
21 it. I didn't try to get it published in as many places as
22 possible.

23 Q The people who wanted it were media outlets?

24 A Probably. I don't recall that that many people wanted it.

25 Q Fair enough.

5 (Exhibit No. 17 marked.)

25 A I wasn't trying to teach the Bible there. I was trying to

HAMILTON (Redac Redacted 10/1/10)

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1 encourage people to sign Referendum 71.

2 Q Let's just look at the bottom of page 1 of Exhibit 16. You

3 wrote, quote, Redacted

Redacted
Redacted
Redacted
Redacted
Redacted
Redacted
Redacted
Redacted

11 First of all, did I read it correctly?

12 A I don't know. I couldn't find it. I didn't want to
13 interrupt. Where is it again?

14 Q The bottom of the first page.

15 A Okay.

16 Q The paragraph begins, "Homosexuality is not equal."

17 A Got it.

18 Q Take a moment. My question, again, is: Did I read that
19 correctly into the record?

20 A Could you . . . ?

21 Q Do it again? Sure.

22 A Yeah.

23 Q Redacted

Redacted
Redacted
Redacted

HAMILTON (Redac Redacted 10/1/10)

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1 Redacted
2 Redacted
3 Redacted
4 Redacted
5 A And your question is?
6 Q Did I read it correctly?
7 A Yes.
8 Q It's possible, isn't it, that some people might disagree
9 with the statements in that article we just read. Not
10 everybody agrees with you on this?
11 A I can't imagine that, that anyone would disagree with me.
12 Q Are you being sarcastic?
13 A Of course people disagree with it.
14 Q Thank you.
15 And you mentioned a moment ago about your view of what
16 the Bible teaches. It's also possible that people might
17 disagree with your interpretation of what the Bible teaches,
18 isn't it?
19 A It is possible.
20 Q And if they do disagree with your beliefs, I'm sure you
21 agree with me that they have a First Amendment right to
22 take -- you know, publish articles and state their beliefs
23 on these issues. Isn't that true?
24 A Do I have a fundamental right to state my beliefs without
25 being interrogated?

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1 Q No. That's not my question. Let me say it again. My
2 question is: If people disagree with you, they have an
3 equal right, as you do --

4 A Okay.

5 Q -- to make statements about what they think the role of
6 marriage or gay rights are?

7 A Yes.

8 Q Now, let's look at Exhibit 17, if we could. Do you have
9 that one in front of you?

10 A My aren't numbered. Is it, Redacted

11 Q Yes. Now, this is an article that was published in the
12 Redacted on September 1, 2009.

13 Do you see that right up at the top?

14 A I do.

15 Q And you're quoted here as saying, and this is five -- the
16 fifth paragraph of the article starts, "I'm very pleased."

17 Do you see that?

18 A I do.

19 Q Is that an accurate quote?

20 A What was I pleased about?

21 Q Well, I'll read the paragraph. I'm very pleased, said Redac
22 Redacted one of the main organizers behind the R71 effort.
23 We -- meaning a lot of people across the state -- worked
24 hard on this, closed quote.

25 Is that more or less an accurate quote?

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1 A I can't speak for Redacted Let me see what she was quoting
2 me as being pleased about. The count, yes, that's accurate.

3 Q And, again, you were speaking with Redacted, who is a staff
4 reporter at the Redacted

5 A I don't know what her title is, but I was speaking to Janet
6 Tu.

7 Q You knew at the time you were speaking to her she was a
8 reporter?

9 A Yes.

10 Q For the Redacted

11 A Yes.

12 Q Is it accurate that you were one of the main organizers
13 behind the R71 effort?

14 A I never considered myself main. I was one of the
15 organizers.

16 Q So it would be accurate to say you were one of the
17 organizers of the Referendum 71 effort?

18 A Yes.

19 Q And in your -- when you gave this quote to Ms. Tu at the
20 Redacted that was, again, in your role as one of the
21 spokespeople for the Referendum 71 campaign?

22 A Yes.

23 Q Let's look at Exhibit 18.

24 (Exhibit No. 18 marked.)

25 Q Exhibit 18 is an article that was published on the Seattle

HAMILTON (Redac Redacted 10/1/10)

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1 Times Web site, and it's entitled, Redacted

2 Redacted

3 And this is shortly before they -- the signatures were
4 turned in to the Secretary of State. The second day of the
5 blog posting -- I'm sorry. The second paragraph of this
6 article has your name in it.

7 Do you see that?

8 A Yes.

9 Q It says, quote, Redac Redacted whose Redacted

10 Redacted

Redacted

Redacted

Redacted

14 Do you see that?

15 A I do.

16 Q Did you send an e-mail to the Redacted to that effect?

17 A I don't recall.

18 Q Is it fair to say that the Redacted was
19 part of a coalition that's spearheading the Referendum 71
20 effort? Is that a fair description?

21 A I would have to get legal counsel on that. I'm not sure
22 that "coalition" is the right word. Redacted
23 Network supported the effort. I was certainly a part of it.

24 Q And was helping to lead it?

25 A I was helping to lead it personally.

HAMILTON ([Redacted] [Redacted] 10/1/10)

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1 Q Let's go to Exhibit 19.

2 (Exhibit No. 19 marked.)

3 Q Exhibit 19 is an article that was originally published in
4 the [Redacted] on August 27, 2009.

5 Do you see that up on top?

6 A I do.

7 Q And the headline of the article is, quote, [Redacted]

[Redacted]

[Redacted]

10 Do you see that?

11 A Yes.

12 Q It's the fourth paragraph from the bottom there's -- your
13 name appears in that paragraph.

14 Do you see that?

15 A "I'm not personally interested"?

16 Q Yeah.

17 A Yeah.

18 Q And you're quoted as saying, quote, [Redacted]

[Redacted]

[Redacted]

[Redacted] closed

22 quote.

23 Did you say words to that effect?

24 A Yes.

25 Q Now, you say that -- the article says, "[Redacted] [Redacted] with

HAMILTON (Redac Redacted 10/1/10)

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1 Protect Marriage Washington."

2 Did you have a role with Protect Marriage Washington?

3 A I was on the board.

4 Q Were you speaking on behalf of Protect Marriage Washington?

5 A Yes.

6 Q And, again, this was part of your role as one of the

7 spokespeople for the Referendum 71 side?

8 A Yes.

9 Q You were, in fact, in the room during the signature checking
10 process?

11 A Well, that was what, a month? I was not in the room, but I
12 was there a couple of times.

13 Q Is it fair to say --

14 A There were people that were there pretty much for the
15 duration. I was not one of those.

16 Q Sure. Is it fair both sides had observers that were
17 watching the process the State was using to verify the
18 legitimacy of the signatures on petitions?

19 A Yes.

20 Q And both sides were complaining about the process?

21 A I wasn't talking to the other side, but evidently Lornette
22 Turnbull was, so . . .

23 Q So your side --

24 A I called you and you didn't return my call. No. I wasn't
25 talking to the other side. I don't know what they were

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1 saying.

2 Q Is it fair to say you were supervising some of the
3 observers?

4 A No.

5 Q Were you helping to advise some of the observers?

6 A No. Larry Stickney was supervising that and advising. I
7 was observing when I was there and just talking to them, but
8 I wasn't advising or supervising.

9 (Exhibit No. 20 marked.)

10 Q Exhibit 20 is an article from the Redacted originally
11 published on March 11, 2009.

12 Do you see that up at the top?

13 A Yes.

14 Q And this is another in a series of articles in which you're
15 quoted. Let me just direct your attention to -- the sixth
16 paragraph contains your name.

17 Do you see that?

18 A From the top? Yes, I got it.

19 Q And you're quoted as saying, quote, Redacted

Redacted

Redacted

Redacted closed internal quote, said Redac Redacted head
23 of the Redacted which opposes the measure,
24 closed quote.

25 Do you see that?

HAMILTON (Redac Redacted 10/1/10)

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1 A Yes.

2 Q And did you make something similar to that statement to
3 these reporters?

4 A Yes.

5 Q And, again, this was part of your role as one of the
6 spokes- --

7 A Yeah. I was quoting really Ed Murray and Jamie Patterson on
8 that.

9 Q But my point is, you were speaking with the media as one of
10 your -- as one of the spokespeople --

11 A Yes.

12 Q -- for the Referendum 71?

13 A Yes. And this may have been shortly after the editorial
14 board in the Redacted called on the legislature to go
15 ahead and give them the name.

16 Q Let's look at Exhibit 21.

17 (Exhibit No. 21 marked.)

18 Q Exhibit 21 is an article that appeared in the Redacted
19 on May 18, 2009.

20 Do you see that at the top of the page?

21 A Yes.

22 Q And this is an article that generally concerns the signing
23 of the bill by Governor Gregoire expanding same sex domestic
24 partner rights, correct?

25 A It appears that it is.

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1 Q And looking down at the bottom of the page, there's sort of
2 an indented paragraph that begins with your name.

3 Do you see that, "Redac Redacted

4 A I do.

5 Q And in the article you're quoted as wondering aloud whether
6 there was a concerted effort on Gregoire's part to delay the
7 signing to give opponents a shorter time to collect
8 signatures.

9 Do you see that?

10 A I do.

11 Q And is that something that you wondered aloud to the Redacted
12 Redacted reporter?

13 A I don't recall wondering aloud to her, but I wondered aloud
14 and she may have heard me say that because I did.

15 Q And you certainly didn't dispute the attribution of the
16 information to you? In other words, you didn't call up the
17 Redacted and say, wait a minute. I didn't say that or
18 I didn't mean to be quoted?

19 A Uh-uh -- no.

20 Q Thank you.

21 So we've gone through all these articles and there are
22 plenty more, but the point is, you, during the course of
23 Referendum 71 campaign, you were frequently quoted in the
24 press?

25 A I was.

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1 Q Now, the Redacted also has a blog, doesn't
2 it?

3 A Yes.

4 Q And it's fairly active?

5 A Yes.

6 Q You mentioned earlier this morning that you had a blog
7 company that helped you with that?

8 A No. I didn't say we had a blog company that helped us with
9 it. There are services and companies that process blogs
10 and, you know, I'm -- I grew up in a different generation
11 than Bill Gates.

12 Q And I don't mean to get into --

13 A There are service organizations. I'm sorry. Go ahead.

14 Q Yeah. I'm not trying to get into too much detail here, but
15 basically you or someone in Redacted write
16 the text and then you give it to somebody else to actually
17 upload it onto the Internet?

18 A Yeah, that's close. If you're asking if I'm responsible for
19 the content, the answer is yes.

20 Q Right. You don't get involved in the mechanics of how it
21 gets there?

22 A No. These are services that everybody uses.

23 Q Let's take a look at Exhibit No. 22.

24 (Exhibit No. 22 marked.)

25 Q Now, Exhibit 22 is printed off of the Redacted Web

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1 site.

2 Are you familiar with this as a form? This is part of
3 your blog, isn't it?

4 A It appears to be.

5 Q And this one's dated back in January of 2006.

6 Do you see that?

7 A Yes.

8 Q And it deals with House Bill 2661 that apparently was
9 pending in the legislature at that time.

10 A It appears that it does.

11 Q And you wrote, All of us in the faith community fought a
12 good fight. We prayed and we took action, but in the end,
13 the bill passed today by a vote of 25 in favor and 23
14 opposed, one excused, closed quote.

15 Do you see that?

16 A Yes, I see it.

17 Q Did you write that?

18 A I don't recall if I wrote this or not.

19 Q It was posted under your name with your authorization.

20 A Yeah, I see that. I would have authorized it.

21 MR. PIDGEON: Objection as to the form of the
22 question.

23 Q (By Mr. Hamilton) And so at the bottom of Exhibit 22, you
24 wrote, or it was attributed to you, the words, Redacted

Redac

HAMILTON (Redac Redacted 10/1/10)

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1 Redacted
2
3 close quote.
4 Do you see that?
5 A I do.
6 Q That statement was posted under your name with your
7 authorization?
8 A It appears it was, yes.
9 Q So it's fair to say that, at least since 2006, you've taken
10 a fairly public position opposing any expansion of gay
11 rights or domestic partnership?
12 A Yes. Let me correct my -- let me restate my answer. The
13 answer is no.
14 Q Well, let's just say, in 2006, your position was in
15 opposition to House Bill 2661?
16 A Yes.
17 Q And in 2006, you took steps to make sure that a network of
18 people -- anybody who wanted to knew of your position with
19 respect to gay rights?
20 A Yes.
21 Q That --
22 A I'm not opposed to rights for gays. I'm opposed to the
23 redefinition of marriage.
24 Q And you were opposed to House Bill 2661?
25 A Apparently. I don't know. I don't recall what that bill

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1 was, so I don't know.

2 Q Let's take a look at Exhibit 23.

3 (Exhibit No. 23 marked.)

4 Q Exhibit 23 is a collection of blog postings from the Redacted
5 Redacted

6 Do you see that?

7 A I see Exhibit 23, yes.

8 Q Take a moment and flip through there. And my question is:
9 These are all articles or blog postings posted by you --

10 A Okay.

11 Q -- on the Redacted Isn't that true?

12 A I don't know.

13 Q Take a moment to look through them. It goes on for 28
14 pages, and we can go through each page one by one, but my
15 question is really the same. These were all written and
16 posted under your name with your authorization?

17 A It appears that they are, yes.

18 Q In each case, you sign it as Redac Redacted Redacted of
19 Redacted

20 A I haven't read each one.

21 Q The majority of cases, that's the way it's signed?

22 A It appears that it is.

23 Q And in most cases, these blog postings deal with gay
24 marriage, true?

25 A I believe you just said there are 28 pages. I haven't read

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1 each of these. I don't know --

2 Q Let's start at page 1.

3 A Okay.

4 Q First one is, Redacted

5 Redacted

6 A Yes.

7 Q Turn to page 2 -- actually page 3. The article on Monday,
8 April 27, 2009, Redacted

9 Redacted

10 A Yes.

11 Q That was an article about gay marriage?

12 A Correct.

13 Q And a poll by Northwest pollster Redacted on gay
14 rights?

15 A That's correct.

16 Q Page 4 is from April 24, 2009, and the article is entitled,
17 Redacted

18 A Yes.

19 Q Page 5 --

20 A I didn't write that.

21 Q I understand.

22 A He wrote it.

23 Q But it was posted --

24 A Yes.

25 Q -- on the Protect Marriage Web site, true? I'm sorry. The

HAMILTON (Redac Redacted 10/1/10)

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1 Redacted

2 A I don't know. Yes.

3 Q Page 5, there's a blog posting, April 23, 2009, Redacted

5 Do you see that?

6 A Yes.

7 Q Turn to page 8.

8 A I see several here that are not on gay marriage.

9 Q Are you at page 8?

10 A Yes.

11 Q Bottom of the page is a blog posting from April 20, 2009,
12 and it's reprinting a Redacted article. No, it's --

13 A Yes.

14 Q -- discussing a Redacted article.

15 A No. It's referencing a Redacted article and that's the
16 editorial piece that the Times put out following the passage
17 of 5688. It's, "Redacted

18 Redacted

19 Q That one's also about domestic partnerships and --

20 A Well, the Redacted was about domestic partnerships.

21 Q Reprinted and posted on Redacted

22 A Referenced, yeah.

23 Q And then page 10 is a blog posting on April 16, 2009, under
24 the title, Redacted

25 Redacted

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1 A Yes.

2 Q So fair to say that there were at least a number of articles
3 posted, during this time frame, dealing with that subject?

4 A Yes, there were a number of them.

5 Q Let's take a look at Exhibit 24. I'm not going to spend the
6 time to go through all of the blog postings. It will be in
7 the record.

8 (Exhibit No. 24 marked.)

9 MR. PIDGEON: I'm going to post an objection to
10 Exhibit 23 on the basis of foundation.

11 Q (By Mr. Hamilton) Handing you what's been marked as
12 Exhibit 24, I want you to take a moment and flip through
13 these pages. And my question is going to be: This is more
14 of the same. These are pages from the Redacted
15 blog posted under your name with your authorization,
16 correct?

17 A I'm looking at page 1 that appears to be, yeah.

18 Q Take a moment, flip through the whole exhibit. Tell me when
19 you're done.

20 A It appears that they are.

21 Q So let's turn in this exhibit to page 20, and it's numbered
22 up in the upper right-hand corner.

23 A Yeah.

24 Q Tell me when you're there.

25 MR. PIDGEON: Page what?

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1 MR. HAMILTON: 20.

2 A I'm there.

3 Q (By Mr. Hamilton) And actually page 19 is where the article
4 or the blog posting starts, at the very bottom of the page.
5 Do you see where it says, "Friday, August 6, 2010"?

6 A Yes.

7 Q And then it's entitled, Redacted

8 A Yes.

9 Q And it's signed at the bottom of page 20 by you?

10 A It isn't signed, but my name is on it.

11 Q This was, again, posted --

12 A Yes.

13 Q -- under your name or over your name --

14 A Yes.

15 Q -- with your authorization?

16 A Yes.

17 Q The second paragraph on page 20 says, quote, Redacted

Redacted

Redacted

Redacted

Redacted

22 Do you see that?

23 A Yes.

24 Q How many people told you that they didn't really care if
25 their names were released?

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1 A I don't know.

2 Q Was it more than five? I'm trying to get an approximation.

3 A I know.

4 Q Was it a flood of 1,000 e-mails?

5 A I know what you're trying to do, and I'm trying to give you
6 an honest answer. I don't know. It was not 1,000, but it
7 was some.

8 Q Some.

9 Did you keep those e-mails?

10 A No.

11 Q What e-mail service do you use?

12 A I don't know.

13 Q I notice somewhere it says AOL. Are you on America Online?

14 A Are you talking about me personally?

15 Q Well, let's start there, sure.

16 A I am personally, yes. Redacted is not. I don't
17 know which -- who their server is -- I mean our server.

18 Q When you say, "Many of you have told me through e-mail,"
19 does that mean -- do you know whether those e-mails came to
20 you personally or to the Redacted

21 A They ended up with me, but I don't know how they got to me.
22 There are people around the state and I would suspect that
23 the people that told me that, and they did -- I understand
24 what you're getting at here.

25 But in truth, they did and they were, I think, as I

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1 recall, mostly people that were actively involved in it.

2 And they were a little angry at the -- at the moment about
3 whatever and they were saying I don't care, you know.

4 Let . . .

5 Q Let the names be public?

6 A Let the gays come after me. I mean, that was the tone of
7 that.

8 Q What you said was, they didn't care if --

9 A -- they have their name or not.

10 Q Their name or not?

11 A Yeah. "They" meaning the gay activists.

12 Q Or the rest of the public?

13 A No. They're not concerned about the rest of the public.

14 Q Right. They don't care if their names are released to the
15 rest of the public because they're not worried about it?

16 A They're worried about gay activists.

17 Q So at least some people told you they didn't care whether
18 the names were released?

19 A Some did.

20 Q Some did.

21 And you can --

22 A No. Some did tell me they weren't, but whatever the number
23 is, it's minute up against the 130,000, plus or minus, that
24 signed the petition.

25 Q Did you contact all the 130,000 that signed the petition to

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1 ask them whether they cared or not?

2 A No.

3 Q Do you have an e-mail list of all the people who signed
4 that?

5 A No.

6 Q Was there an effort to collect or harvest the e-mail
7 addresses and names off of those lists to use them for other
8 purposes?

9 A I don't know. I didn't.

10 Q Do you know whether Mr. Stickney did?

11 A I don't know what Mr. Stickney did.

12 Q Have you ever tried to communicate with all the people who
13 signed the petition as a group?

14 A No.

15 Q No mass mailings or phone calls or --

16 A I don't have the names of the people who signed.

17 Q Mr. Stickney does?

18 A I don't know.

19 Q Hand you what's been marked as Exhibit 25.

20 (Exhibit No. 25 marked.)

21 Q Exhibit 25 is a political committee registration form for
22 Protect Marriage Washington.

23 Have you seen this form before?

24 A This particular one?

25 Q Yes.

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1 A No.

2 Q It reflects the registration of Protect Marriage Washington
3 as a political committee in Washington State as of May 13,
4 2009.

5 Do you see that?

6 A I do.

7 Q And it identifies you Redacted

8 Do you see that?

9 A Yes.

10 Q Are you currently Redacted
Redacted

12 A I don't know. I don't know if it hasn't -- yes, I believe I
13 am.

14 Q You're not sure about the legal status of the organization?

15 A No. I don't have any question about the legal status of it.
16 I don't know if -- what the term was for the board member.
17 I'm just trying to be completely honest with you in my
18 answer. I don't know what the term was, and it may have had
19 a term and it may have expired. I don't know that. As far
20 as I know, I am, but I could not be. I don't know because
21 it was -- Protect Marriage was created specifically for the
22 referendum.

23 Q And if you look at the third page of this exhibit, it's a
24 different Political Committee Registration form for the
25 Redacted Political Action Committee.

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1 Do you see that?

2 A I do.

3 Q And is this the political action committee you were talking
4 about earlier this morning?

5 A It was an early version of that political -- what is this
6 dated? The 9th?

7 Q This is dated January 17, 2009.

8 A This isn't accurate to the PAC now.

9 Q So there was the Redacted Political Action
10 Committee that was formed -- I'm sorry, that registered as a
11 political committee with the Public Disclosure Commission on
12 January 17, 2009?

13 A It appears that.

14 Q You were the chair of that political committee?

15 A It states that I was, yes.

16 Q And so I guess I'm trying to understand. Is there another
17 political committee that supplanted this one?

18 A I was on a political action committee that myself, Red
19 Redacted and someone else, Redacted or somebody -- I don't
20 even remember -- and I withdrew from that, and this one was
21 formed. So no, the answer is no. There's not another
22 political action committee.

23 Q So this Redacted Political Action Committee is the
24 one that you were referring to this morning?

25 A Yes, yes.

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1 Q This is ongoing political committee?

2 A Yes.

3 Q If we were to go to the Public Disclosure's Web site, we can
4 see all the material that the committee has filed?

5 A Yes.

6 Q Other than participating -- well, strike that.

7 What was the purpose of Redacted Political
8 Action Committee?

9 A The purpose has changed. It's been different. And, again,
10 we've discussed that with PDC. Originally it was for
11 candidate -- candidates and then we made it exclusively
12 during the period of R71 to be for R71.

13 Q Okay.

14 A And, again, that was with conversation with PDC.

15 Q And is that your signature at the bottom of this form?

16 A No.

17 Q Whose is it?

18 A You know, I don't know.

19 Q Who is the treasurer of the committee?

20 A Rick Wilson.

21 Q Does that appear to be Rick Wilson's signature?

22 A It could be. It isn't mine. It probably is. It says
23 treasurer signature, you know.

24 Q Fair enough.

25 Who is Rick Wilson?

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1 A He's the secretary of the PAC.

2 Q It says under box 7 here that Jennifer Lee was the
3 secretary.

4 A That was -- that's an error. I don't know. That's why I
5 hesitated on this because Jennifer Lee worked for us. I
6 didn't realize she was with us until 2009. I think that's
7 an error. She could have been on a PAC, but I don't recall
8 that she was on this one. She is not and Rick Wilson is the
9 secretary.

10 Q And the treasurer?

11 A And the treasurer.

12 Q And what is CAM Consulting?

13 A Colleen Morse who manages our PAC and a number of others in
14 the state.

15 Q From Centralia?

16 A Yes.

17 Q When you say she manages the PAC, what sort of things does
18 she do?

19 A She handles the money, not much in our case. We haven't
20 raised very much any time. But she handles the money, picks
21 it up, banks it, writes checks. She's an authorized check
22 signer and manages it and manages all of our reporting.

23 (Exhibit No. 26 marked.)

24 Q Handing you what's been marked as Exhibit 26, this is
25 another political committee registration form and it was

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1 filed on September 1, 2006, the first page is.

2 So looking at the first page, are you familiar with The
3 committee for Judicial Restraint?

4 A I could be. I don't recall that was the name of it. Who
5 else is -- can I ask you a question to better help me
6 answer? Do you mind?

7 Q Sure. Go ahead.

8 A Have you discovered that I'm somehow associated with this?
9 Because I don't believe I am.

10 Q Well, that -- you know, let's just ask. Let me just ask
11 you.

12 A Ask me that question.

13 Q Sure. It says the campaign manager's name is Redacted
14 Do you know Redacted

15 A Yes.

16 Q Who is he?

17 A Redacted he's a pastor in Bothell.

18 Q And so apparently Redacted registered a political
19 committee called Redacted

20 A Yeah, it appears that way.

21 Q And if you look down at the last couple of pages of this
22 exhibit, there's an attached article from the Redacted
23 Web site that quotes Redacted

24 A Redacted yeah.

25 Q And he's described at the beginning as the pastor of Cedar

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1 Redacted and Redacted
2 Redacted. That's the reason why I'm sort of
3 wondering about your relationship with --
4 A Yeah, I get that. Where is that again? I'm not finding
5 that. I've never seen this.
6 Q Second to the last paragraph -- I'm sorry. Second to the
7 last page of Exhibit 26.
8 A Page?
9 Q Yeah. You're on the right page, right up on top.
10 A Okay.
11 Q Underneath the little picture of David Postman.
12 A Okay.
13 Q It says, "Redacted robo call for conservative judges."
14 A Yeah, I got that.
15 Q And then right underneath that, it says, "I just got a
16 recorded call."
17 Do you see that?
18 A Yeah, I got that.
19 Q And it describes Redacted as the chairman and CEO of Faith
20 and Freedom Network.
21 A No. It says Redacted e-mails to say that he is longer heading
22 Redacted
23 Q "He is doing his overt political work through the two PACS
24 he operates, Committee for Religious Freedom and Committee
25 for Judicial Restraint"?

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1 A I see that, yeah. I don't know anything about it.

2 Q Did you replace him as the Redacted

3 Redacted

4 A I replaced him as Redacted of Redacted
5 Network.

6 Q And was that just the ending of his term and --

7 A No. He wanted to go a different direction.

8 Q Okay.

9 A He wanted to do this.

10 Q You didn't want to?

11 A I didn't want to do it with him.

12 Q And why was that?

13 A I don't know. Just he was wanting to do it on his own, I
14 presume. I don't know.

15 Q Fair to say, you just had a difference of opinion about
16 which way the organization was going to go?

17 A Well, it was a choice for him to do his own thing, more
18 based out of his church, I think, than a disagreement over
19 policy. I wouldn't say that. I don't know. We just went
20 our separate ways.

21 Q And so is it a fair statement that you don't have anything
22 to do with the Committee -- or didn't have anything to do
23 with the Committee for Judicial Restraint?

24 A As far as I know, I didn't, no. Nothing. There was no
25 involvement on my part, to my knowledge.

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1 Q And there's this other PAC that's mentioned in the
2 article --

3 A Yeah.

4 Q -- Committee for Religious Freedom.

5 A Yeah. That's the PAC I referred to a few moments ago. I
6 was on that board. Redacted myself, and Alex Hayes. If you
7 drill in deep enough, you can probably find that in the
8 records. That did exist and that would be, I think,
9 previous to this date.

10 Q Let's take a look at Exhibit No. 27.

11 (Exhibit No. 27 marked.)

12 Q This is a political committee registration form for the
13 Committee for Religious Freedom.

14 Do you see that?

15 A I do.

16 Q Dated April 13, 2006?

17 A Yes.

18 Q You were listed there with Red Redacted

19 A That's the one I was making reference to.

20 Q I wanted to get this into the record.

21 So at that point, you were involved with, back in 2006,
22 with the Committee for Religious Freedom. As a general
23 proposition, what was that political committee organized to
24 advance?

25 A You know, Red Redacted and Hayes are guys -- I'm not sure what

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1 they did really.

2 Q You were a committee officer?

3 A I was.

4 Q And at some point you were no longer? You resigned from
5 this?

6 A Yes.

7 Q Do you recall when that was?

8 A No. But it would have -- I can tell you approximately. It
9 was after it was formed, obviously, and it would have been
10 prior to like July or August of that same year.

11 Q So let me ask you a -- if somebody was upset about something
12 that the Committee for Religious Freedom did and went back
13 and looked at this form, which I pulled off the registration
14 from the Public Disclosure Commission, the two people who
15 they would have to express their displeasure would be the
16 two people that are listed as committee officers here,
17 right?

18 A Possibly.

19 Q Yeah. Well, I mean, there's only two committee officers
20 listed.

21 A Right.

22 Q You and Red Redacted

23 A That's correct.

24 Q So if somebody's upset about something they're doing, this
25 is the record of who's involved, right?

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1 A Yes.

2 Q Thank you.

3 Is it fair to say, sir, that you have -- even though
4 you're not -- that you said you're not the same generation
5 as Bill Gates, you do use Twitter, though, don't you?

6 A I'm on Twitter.

7 Q Right.

8 A Yeah.

9 Q And you post tweets?

10 A Okay. I think we do, yeah. I don't read it. I honestly
11 don't.

12 (Exhibit No. 28 marked.)

13 Q Let me hand you what's been marked as Exhibit 28. These
14 are two separate collections of what I think in the -- is
15 referred to as tweets from Twitter.

16 A I think you're right.

17 Q So the first couple of pages deals with tweets from you,

18 Redac Redacted

19 Do you see that?

20 A I do.

21 Q And then the last few pages are tweets from Faith and
22 Freedom?

23 A Now, Let me clarify the question. Are you asking me if some
24 of these are some from Redacted and some are from
25 me?

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1 Q Yes.

2 A I don't believe so. I don't know.

3 Q Well, let's just go through it then. Let's look at the
4 first page of Exhibit 28. It says, "Get short timely
5 messages from Redac Redacted

6 A Yes.

7 Q And then you join by following the at sign, Redacted .
8 Do you see that?

9 A I see.

10 Q Is your middle initial E?

11 A Yes.

12 Q And so if we look on page 2, your name, Redacted
13 appears in bold letters at the middle of the page?

14 A Yes.

15 Q And is that a -- there's a little picture there. It's not a
16 very good reproduction. Is that picture of you sitting at
17 your desk?

18 A Yes.

19 Q Now, it seems to indicate that you have 98 followers and
20 you're following 182 other people who participate in
21 Twitter?

22 A Yeah, I see that. I have no idea.

23 Q So there's a series of tweets that are numbered 1, 2, 3, 4,
24 and so on. Do you have somebody in your organization that
25 writes these and posts them under your name?

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1 A Apparently.

2 Q You don't --

3 A We're not that big. Because we're so small, a few people do
4 a lot, so I would -- yeah. I mean, I'm not disputing this.
5 I'm saying honestly I don't know.

6 Q But you're familiar with the fact that there are messages --

7 A On Twitter.

8 Q -- on Twitter?

9 A Yes.

10 Q They're being attributed to you?

11 A Yeah. I mean, it looks like it.

12 Q And they're posted with your authority?

13 A Yes.

14 Q You use this in part to further advance the opposition to
15 gay marriage legislation in Washington State, for example,
16 true?

17 A No. We would use Twitter to further advance our mission and
18 that's to advance Judeo-Christian values.

19 Q Including opposing what you refer to as gay marriage
20 legislation?

21 A No. We opposed the redefinition of marriage.

22 Q The post No. 8 -- we're on Exhibit 28, page 2 -- says,
23 quote, Growing chorus of dissent against gay marriage
24 legislation in Washington State. Join the chorus, and then
25 there's a Web site.

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1 A Okay.

2 Q That was posted under your name --

3 A Okay.

4 Q -- true?

5 A It appears that it was.

6 Q Tweet No. 2, "Marriage hangs in the balance in Washington
7 State. Next 30 days critical. Please respond," and a Web
8 site, true?

9 A It appears so.

10 Q Post No. 9, page 3, Exhibit 28, says, quote, Growing concern
11 in Washington State over gay rights expansion, and then
12 there's a Web site.

13 Do you see that?

14 A I do.

15 Q That was posted over your name with your authorization?

16 A Okay.

17 Q True?

18 A It appears that it was.

19 Q Thank you.

20 Mr. Redacted you've had a number of judgments of tax
21 liens filed against you, isn't that true, over the years?

22 A I've had some.

23 Q Five?

24 A It could be.

25 (Exhibit No. 29 marked.)

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1 Q Your address -- do you live in Redacted

2 A Yes.

3 Q And is the specific address Redacted

4 Redacted

5 A Yes.

6 Q So Exhibit 29 is a collection of judgments and releases of
7 tax liens that were filed in the Oregon State courts, and so
8 let's just start with page 1.

9 A Okay.

10 Q This is Redacted, right?

11 A Yes.

12 Q And it appears to be a tax lien in the amount of \$3,281?

13 A It does.

14 Q And if you turn to page 2, the creditor is listed as Metro
15 Area Collection Service.

16 Do you see that?

17 A I do.

18 Q Was this for unpaid taxes?

19 A I don't recall.

20 Q Do you recall what the debt was for? It's a small-claims
21 judgment in the amount of \$3,281.

22 A I don't recall.

23 Q You don't recall. It's dated 2006. Do you know if you've
24 paid off this judgment?

25 A Yes.

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1 Q And have you?

2 A Yes.

3 Q And that is your address that's accurately reflected on this
4 court record?

5 A Yes.

6 Q Next page, we're dealing with the third page of Exhibit 29,
7 is another small-claims judgment, this time from Washington
8 County, Oregon, true?

9 A Yes.

10 Q And it's back in 2004 and shows a judgment in the amount of
11 \$947?

12 A Yes.

13 Q The creditor was Quick Collect, Inc.

14 Do you see that?

15 A Yes.

16 Q And do you recall what that is about?

17 A Yes. It was a disputed tax return charge.

18 Q A federal or state tax return?

19 A I don't recall. I don't recall.

20 Q And I just want to be clear because I'm not --

21 A It was an accountant who charged me way more than he said he
22 would.

23 Q This is dispute with the accountant, not with the taxing
24 authority?

25 A Yes, that's correct.

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1 Q Has this been resolved?

2 A Yes.

3 Q Let's go to the third page. This is a federal tax lien
4 release filing in Clackamas County, Oregon.

5 Do you see that?

6 A Yes.

7 Q And it was in the amount \$1,525?

8 A Yes.

9 Q From 1992?

10 A Yes.

11 Q And so it looks like it was filed in March of 1992 and then
12 released in October of 1992.

13 Do you remember this one?

14 A No. I remember that it happened. I don't -- I mean, it's
15 nearly 20 years ago.

16 Q And what happened?

17 A What happened? Well, I didn't get all my taxes paid and
18 they wouldn't wait for me, so . . .

19 Q They filed a lien?

20 A Yeah.

21 Q And it took about seven months and then you paid it off?

22 A I did.

23 Q Let's look at the next page. This is the second to the last
24 page of Exhibit 29. This appears to be another federal tax
25 lien, this one from just two years ago.

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1 A Yes.

2 Q In the amount of \$21,436?

3 A Yes.

4 Q What is this one about?

5 A It's related to some property that I sold that had been
6 investment property. And the accountant didn't get it
7 right, in my opinion, and so we disputed some things, and
8 that's the number we ended up on and they filed a lien.

9 Q And has this one been paid off?

10 A Yes. I do not owe the IRS any money.

11 Q And do you know why this lien has not been released?

12 A It has been. I have a release on it.

13 Q All right. When was it released?

14 A I don't know, but I have the release.

15 Q At the same year, 2008, a year after that, last year? Do
16 you know?

17 A It would be after 8/15/2008. I don't know the date. It
18 isn't recent. I mean, it's closer to that date than it is
19 this date.

20 Q Fair enough.

21 Last page deals with a judgment release filed in 1994.
22 The debtor here was Redac Redacted Ministries in Lake Oswego.
23 Is that your organization?

24 A It was. It isn't active now.

25 Q And the creditor was the Commercial Agency. Do you know

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1 what that is? Or maybe I should ask you more generally, do
2 you recall the dispute?

3 A I don't for sure. I know there was a dispute. I mean,
4 we're talking about 1989. There was a dispute on a printing
5 bill. That could be it. I don't know.

6 Q It looked like there was a judgment that was filed in 1989
7 and not released until about five years later in 1994.

8 A Yeah. I don't know.

9 Q It's fair to say, if somebody wanted to find your -- find a
10 way to communicate with you, you're pretty easy to find on
11 the Web?

12 A I would say so. Anne found me.

13 Q And it would be pretty easy to find the location -- your
14 street address because it's printed all over the place on
15 the Web?

16 A Well, I know there are the -- it's not particularly easy to
17 find.

18 Q It's possible?

19 A It's possible.

20 Q Going to go back through a couple of questions that you were
21 asked this morning. One of the PDC forms that you were
22 asked about deals with legal fees to Mr. Pidgeon.

23 Do you recall that?

24 A Um-hmm -- yes.

25 Q And you indicated that he had done a lot of work pro bono

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1 for the Referendum 71 campaign?

2 A Yes.

3 Q Do you know if those are reported in-kind contributions to
4 Mr. Pidgeon?

5 A I don't know.

6 Q You were subpoenaed in order to appear at the deposition
7 today, right?

8 A Yes.

9 Q And the subpoena asked you to produce a number of documents,
10 and you've produced what you could, as I understand your
11 testimony, in the time that was available to you?

12 A Yes.

13 Q As you sit here today, you're not aware of any other
14 responsive documents that you failed to produce?

15 A I'm aware that there could be some because I was -- I didn't
16 have the time to put into it. I'm not aware of any that I'm
17 going to go get, but I'm going to do some more research.

18 MR. HAMILTON: That's all the questions I have for
19 you. Thank you. Mr. Dixon may have some more.

20 MR. DIXSON: Yes, thank you.

21 EXAMINATION

22 BY MR. DIXSON:

23 Q And this is Steven Dixon. I represent the Washington
24 Coalition for Open Government. I'm in Spokane and
25 recognizing the inherent difficulties of doing this by

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1 telephone, I will try to keep my questions very brief.

2 I think it was your testimony that, in addition to
3 several harassing phone calls and what you viewed on the
4 Web, you also received e-mails either to your personal
5 address or to the Redacted address. Is
6 that correct?

7 A Threatening e-mail?

8 Q Correct.

9 A No, I don't believe I said that.

10 Q Okay.

11 A If I did, I misspoke.

12 Q So the harassment was limited to the phone calls and the Web
13 pages that we have previously discussed today; is that
14 correct?

15 A Yes.

16 Q I think you earlier said that you continued to, I don't want
17 to misquote you, but something along the lines of protect
18 the petition signers. Is that correct?

19 A Yes.

20 Q Now, what are you doing to continue to protect the petition
21 signers?

22 A I'm sitting through this grilling today.

23 Q In addition to this deposition, any other affirmative steps
24 that you're taking to protect the petition signers?

25 A No.

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1 Q And my last line of questioning was, I think you have in
2 front of you Exhibit 24 regarding -- it's a collection of
3 blog posts from the Redacted

4 A I'm sure I do. I'm looking for it.

5 Q Tell me when you're there and then I would ask you to turn
6 to pages -- probably page 20, which is the August 6th blog
7 post that you discussed with Mr. Hamilton.

8 A I'm on page 6. Could I ask who am I speaking to?

9 Q Yeah. My name is Steven Dixson. I'm an attorney for the
10 Washington Coalition for Open Government.

11 A Okay.

12 Q My law firm is the name of Witherspoon Kelley.

13 A Okay.

14 Q I would be happy to -- I don't know if anyone there has a
15 business card. I would be happy to provide you any
16 information about the organization or our law firm at any
17 time.

18 A Thank you.

19 Q Yeah.

20 A Proceed.

21 Q Turn to page 20, I believe the date is August 6th.

22 A Okay. I'm on page 20.

23 Q And I would like to turn -- I don't have the exhibit as it
24 exists in your form in front of me, but the paragraph
25 begins, "There are college students who."

DIXSON (Redac Redacted 10/1/10)

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1 A Okay. Got it.

2 Q Do you see that?

3 A Yes.

4 Q Redacted

8 Did I read that accurately?

9 A Yes, you did. Yes.

10 Q Did you speak to any college students who told you this?

11 A Their families spoke to me.

12 Q Do you remember what they said?

13 A Essentially they told me what they -- what I wrote.

14 Q Do you remember how many families told you this?

15 A One family told me that.

16 Q Do you remember the college that their son or daughter was
17 attending?

18 A University of Washington.

19 Q Did they mention a particular professor by name?

20 A No.

21 Q So one family spoke to you about their fear that their son
22 or daughter would face recrimination in the classroom?

23 A Yes.

24 Q Do you know if it was the student's fear or the parents'
25 fear?

DIXSON (Redac Redacted 10/1/10)

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1 A Certainly the parents' fear, but I believe they expressed
2 that it was their -- I believe it was a son, the son's fear.

3 Q Did you have any follow-up with that family regarding
4 whether or not the son faced any recrimination from that
5 particular professor?

6 A No.

7 Q And I don't know what page this is on, but the same exhibit,
8 the paragraph begins, "Some in the faith community."

9 Do you see that paragraph, approximately a paragraph
10 below where we just were?

11 A Yes.

12 Q Did you receive some criticism from members of the faith
13 community regarding Referendum 71?

14 A I believe there -- I wouldn't have written that, had I not
15 heard that. I believe there were some who said that we
16 should let it go, but there were people also that weren't
17 really involved in it and didn't support it necessarily.

18 Q Do you remember the substance of any of those conversations
19 in particular or the origin of those conversations, any
20 particular faith-based organizations?

21 A It wasn't -- I don't think it was an organization. I think
22 it was individual comments. And no, the answer is no.

23 Q So you don't remember any of those particular conversations,
24 but they must have occurred for you to write what you wrote,
25 correct?

PIDGEON (Redac Redacted 10/1/10)

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1 A I heard the comment. I heard some comments, two or three
2 maybe.

3 Q To you personally or how did you hear of these comments?

4 A I don't recall. A lot of people were saying a lot of things
5 to me at that time. I don't know.

6 Q I understand.

7 A It could be either.

8 MR. DIXSON: That's the extent of my questions for
9 now. Thank you, sir.

10 THE WITNESS: Thank you.

11 EXAMINATION

12 BY MR. PIDGEON:

13 Q Mr. Redacted I have a few follow-ups. If we could, I
14 would like to go back to Exhibit 8 and 9. Let's begin with
15 Exhibit 8, if we can.

16 A Okay.

17 Q This is Stephen Pidgeon, on behalf of Protect Marriage
18 Washington.

19 Now, let's begin. Now, it was your testimony earlier
20 that this was from some blog site that John Bisceglia
21 posted?

22 A Yes.

23 Q And this upper part here, you believe, was posted
24 September 18, 2010?

25 A Yes, or even after that.

State Objects: Witness lacks foundation for the testimony;
hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 Q So within the last 25 days?

2 A Yes.

3 Q And he begins with -- can you read the first sentence to me
4 before he gives this roster of people?

5 A "Here is a list of people whose mere existence is a serious
6 threat to our safety."

7 Q So in your view, does that mean to you that Bisceglia takes
8 the fact that we're living as a threat to his safety?

9 A Yes.

10 Q Because my name appears on that list. Isn't that correct?

11 A It is. It does.

12 Q Your name appears on that list?

13 A Yes.

14 Q Let's see if there's any public figures that are on that
15 list. Senator John McCain is on the list?

16 A Yes.

17 Q Is Senator Redacted on that list?

18 A Yes.

19 Q Senator Dan Swecker?

20 A Yes.

21 Q Representative Matt Shea?

22 A Yes.

23 Q Isn't Justice Antonin Scalia from the U.S. Supreme Court on
24 that list?

25 A Yes.

- 1 Q Former presidential candidate Mike Huckabee?
- 2 A Yes.
- 3 Q Senator John Cornyn?
- 4 A Yes.
- 5 Q Now, in your view, just asking your personal opinion, given
- 6 the tenor of what's in this entire exhibit, does that
- 7 constitute a threat of violence or even a death threat to
- 8 those people?
- 9 A Yes. It does in the context of what is being said. That's
- 10 the point I was trying to make earlier. In the context of
- 11 what is being said and advocated day after day after day on
- 12 this Web site and others that are interconnected, which are
- 13 often quoted, cross quoted, in that context, yes, it does.
- 14 Q Would you take a look at -- would you look at page -- it's
- 15 page 4. Page 4.
- 16 A Yes.
- 17 Q And if you will look, do you see where he's written in large
- 18 print, "But I gots me a sneakin' suspicion that things-
- 19 will-be-a-changin'-soon"?
- 20 A Yes.
- 21 Q Let's look down at the paragraph below then and let's see if
- 22 Mr. Bisceglia sets out any more justifications for acting --
- 23 A Okay.
- 24 Q -- as he's proposing at this site.
- 25 Can you read that whole paragraph into the record that

State Objects: Witness lacks foundation for the testimony;
hearsay; irrelevant.

State Objects: Lack of
foundation; hearsay; irrelevant.

1 begins with, "Because more and more"?

2 A "Because more and more of us are connecting the dots between
3 those power hungry hate groups do and the results that
4 assault us. I still maintain that if, if I were legally
5 allowed to go into your home and traumatize your children,
6 steal your nest egg, deport your wife, take your home or
7 cause severe psychological distress, I would not blame you
8 for slitting my throat with a hunting knife. Sure, it may
9 not be legal, in quotes, and have ramifications, but just
10 how many men would sit idly by and do nothing while they
11 watched their loved ones harmed."

12 Q Let's explore that paragraph for just a moment. Would it be
13 reasonable to assume that he is setting forth justification
14 for why someone could slit someone else's throat with a
15 hunting knife?

16 MR. HAMILTON: Object to the form of the question;
17 calls for speculation.

18 A Clearly he's setting that.

19 Q (By Mr. Pidgeon) And is one of those justifications going
20 into your home?

21 A Yes.

22 MR. HAMILTON: Same objection.

23 Q (By Mr. Pidgeon) Is one of those justifications
24 traumatizing your children?

25 A Yes.

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 MR. HAMILTON: Same objection.

2 Q (By Mr. Pidgeon) Is one of those justifications stealing
3 your nest egg?

4 MR. HAMILTON: Same objection.

5 A Yes.

6 MR. PIDGEON: I'll go slower if you're going to
7 object on each one.

8 MR. HAMILTON: Well, if you give me a standing
9 objection to the line of questions, I won't need to.

10 MR. PIDGEON: Go ahead and assert your standing
11 objection.

12 MR. HAMILTON: I object to all of these on the
13 same basis as I previously articulated.

14 Q (By Mr. Pidgeon) Is one of the justifications that he sets
15 forth in this paragraph for not blaming someone who would
16 slit the throat of another deporting someone's wife?

17 A Yes.

18 Q Is one of the justifications taking someone's home?

19 A Yes.

20 Q And is it also a justification for slitting someone's throat
21 with a hunting knife if another person was to cause severe
22 psychological distress?

23 A Yes.

24 Q Do you know of any statute in Washington that would
25 authorize the execution of another person for causing severe

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

1 psychological stress?

2 A No.

3 Q How about entering into someone's home?

4 A No.

5 Q Let's continue. Can you take a look at the top of page 5,

6 the very next page? Do you see the very first sentence

7 says -- what is the dating there?

8 A January 31, 2009.

9 Q Will you read the whole sentence.

10 A The paragraph?

11 Q No. The sentence that you just said had the date, would you

12 read that the whole sentence?

13 A "First posted January 31, 2009."

14 Q Now, can you read -- so January 31, 2009, that would have

15 been before the election, correct?

16 A Yes.

17 Q Can you read that paragraph for us?

18 A "The more visibility we have and the more long overdue," in

19 parentheses, "rights we are given, the more we become

20 targets of hatred and violence in America. Perhaps when the

21 dead bodies of straight men start to pile up and gay men

22 start walking away from attempted gay bashings wiping off

23 their knives and putting away their guns, quote --

24 parentheses, "used for justified self-defense, future gay

25 bashers may pause and think before acting out their evil

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 hatred on us."

2 Q Now, does, in your view, does this paragraph imply that
3 Mr. Bisceglia would seek to see dead bodies of straight men
4 starting to pile up?

5 A Yes.

6 Q And he also has an articulation here that -- well, let me
7 ask you this: Does he indicate that gay men should be using
8 knives?

9 A Yes.

10 Q Does he also indicate they should be using guns?

11 A Yes.

12 Q And is the justification for self-defense here, is that
13 referring back to what he talked to back here in the
14 paragraph you read before?

15 A Yes.

16 Q So in other words, can you surmise, from putting these two
17 paragraphs together, that, in Mr. Bisceglia's mind, it would
18 be okay to use a knife and a gun to kill a straight man and
19 to pile up the bodies of dead people if they caused severe
20 psychological distress?

21 A Yes.

22 MR. HAMILTON: Object to the form of the question.

23 A Yes.

24 Q (By Mr. Pidgeon) Would Mr. Bisceglia be justified,
25 according to your reading of what he's got here on the blog,

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 to slit someone's throat, use a knife, or use a gun for
2 traumatizing your children?

3 A Yes.

4 MR. HAMILTON: Same objection.

5 Q (By Mr. Pidgeon) Now, this particular site below that
6 paragraph, this site, this particular page, shows a
7 particular kind of knife. Isn't that correct?

8 A Yes.

9 Q Let's go to the second to the last page.

10 A Okay.

11 Q Do you know whether or not an FBI report was ever entered
12 concerning Mr. Bisceglia's blog posting?

13 A I don't know.

14 Q Do you know whether or not he made an express threat against
15 government employees?

16 A I recall very vividly reading what has now been scrubbed
17 from his site, that he made a threat against Larry Stickney,
18 myself, and the buildings of churches and government
19 buildings that supported -- that stood against, I believe.
20 I can't remember the word he used, but that was opposed to
21 expansion of gay rights.

22 Q Now, on the last page of this particular Web site, does
23 Mr. Bisceglia make direct references to where somebody might
24 be able to get handguns in the ad there?

25 A I don't see a reference as to where to get them.

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 Q Do you see this www.pinkpistols.org?

2 A Yes. I didn't see it. Yes, of course.

3 Q Have you ever gone to that Web site?

4 A No.

5 Q So you don't know whether or not it's possible to order a
6 handgun on that Web site?

7 A I don't.

8 Q Do you see what it says above the hands holding the
9 automatic weapon there?

10 A Yes.

11 Q What does it say?

12 A It says three times, "Armed gays don't get bashed."

13 Q So in your view, is that John Bisceglia recommending
14 firearms again?

15 MR. HAMILTON: Objection to the form of the
16 question; calls for speculation.

17 A It is because of the linkage to the whole flow of what he's
18 saying. To take that out of context, it's an ad. To put it
19 in the context of what he's saying here and has been for
20 months, perhaps years, of course it is.

21 Q (By Mr. Pidgeon) Let's take a look at Exhibit 8 for a
22 minute -- or Exhibit 9, rather.

23 A (Witness complies.)

24 Q I would like to look at this page here that begins with
25 "Pam's Blend of Pervision Tries to Out Our Agenda."

State Objects: Witness lacks foundation for the testimony; hearsay; irrelevant.

PIDGEON (Redac Redacted 10/1/10)

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1 A Yeah.

2 Q Now, do you see the two indented paragraphs there, the one
3 begins with, "From Redacted point of view"?

4 A Yes.

5 Q Can you read those two paragraphs, please?

6 A Yes. "From Redacted point of view, if I disagree with
7 someone who says that I should be executed because I'm gay,
8 then somehow I'm being intolerant of that person's religion.
9 The kind of tolerance Redacted is looking for leads to
10 violence. Should I condone my own execution? Redacted
11 apparently thinks so.

12 "Redacted sickeningly ended his post with a plea for
13 donations to what he calls this ministry. He is using his
14 authority as Christian minister to broadcast to the world
15 his certainty that I and every other gay person deserve
16 death. When will the press and general society stop giving
17 people like Redacted a pass because he calls himself a
18 Christian and a pastor uses nice words like faith. Let's
19 recognize," in bold, "Let's recognize his words for what
20 they really are, a condoning of lethal violence against gay
21 people."

22 Q Now, Mr. Redacted we've seen a number of exhibits, for
23 instance, looking at Exhibit 28, your Twitter messages.

24 A 28?

25 Q Exhibit 28, your Twitter messages.

PIDGEON (Redacted Redacted 10/1/10)

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1 MR. HAMILTON: Let's go off the record for a
2 second.

3 (Discussion off the record.)

4 Q (By Mr. Pidgeon) In these Twitter posts, Mr. Redacted do
5 you see any of these Twitter posts of yours from Faith and
6 Freedom Network that makes a death threat to gays?

7 A There are none.

8 Q Do you see anything that posted that says gays should be
9 executed?

10 A No.

11 Q Do you see anything that says people should use violence
12 against gays?

13 A No.

14 Q So there's nothing on the Twitter posts.

15 How about on your blog site? Have you ever called for
16 the execution of gays on your blog site?

17 A No, absolutely not.

18 Q Have you ever called for violence to be used against gays --

19 A No.

20 Q -- on your blog site?

21 A No.

22 Q So let me see if I have this. She makes a statement that
23 you think that gay people should be executed here in
24 paragraph 2. Is that a true statement or not?

25 A That's not true. That's false.

PIDGEON (Redac Redacted 10/1/10)

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1 Q It also says --

2 A It's true she thinks that, but it's false that I believe
3 that.

4 Q And says, "Redacted is looking to lead to violence." Are you
5 looking to lead something to violence?

6 A No.

7 Q So that's a false statement too. Is that correct?

8 A Yes.

9 Q Now, have you ever taken a position publicly of condoning
10 lethal violence against gay people?

11 A No, nor privately.

12 Q Now, in your view, if John Bisceglia read this defamatory
13 statement and false statement which demonizes and
14 dehumanizes you, do you think that this would be sufficient
15 justification as to what he set forth on his Web site, to
16 get a gun and shoot you?

17 MR. HAMILTON: Object to the form of the question.

18 A Yes. That's why I brought this to the deposition today.

19 Q (By Mr. Pidgeon) Do you think this would be a sufficient
20 justification, if someone in a gay blog anywhere in the
21 country read this and believed it and read Bisceglia's and
22 believed it, would they also find that there was sufficient
23 justification to slit your throat or shoot you with a
24 handgun?

25 A Yes.

PIDGEON (Redac Redacted 10/1/10)

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1 MR. HAMILTON: Object to the form of the question.

2 A Yes.

3 Q (By Mr. Pidgeon) Now, as to Pastor Red Redacted there was a
4 question that was asked, have you ever received a death
5 threat as a result -- or any kind of threat as a result of
6 your work with Committee for Religious Freedom?

7 A No.

8 Q Has anyone ever sent you an e-mail --

9 A No.

10 Q -- concerning -- has anyone, to your knowledge, ever
11 complained to you about Red Redacted or John Vasco committing
12 acts of violence or threatening to execute someone?

13 A No.

14 Q Or threatening violence against anyone?

15 A No.

16 Q So to your knowledge, there's never been anything associated
17 with Committee for Religious Freedom in terms of threats or
18 violence?

19 A No.

20 Q You've also taken a position that's in opposition to
21 abortion. Is that corrects?

22 A Yes.

23 Q And have you ever been threatened with violence from the
24 proabortion lobby?

25 A No.

PIDGEON (Redac Redacted 10/1/10)

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1 Q Now, have you ever taken a position that's opposed to
2 divorce?

3 A As a pastor, I taught against divorce.

4 Q Have you ever had anybody threaten you for taking a position
5 against divorce?

6 A No.

7 Q Did you ever teach against alcoholism and drug abuse?

8 A I have.

9 Q Have you ever had anybody threaten you because you were
10 opposed to alcoholism?

11 A No.

12 Q How about because you were opposed to drug abuse?

13 A No.

14 Q So is it safe to say the only threats you've ever had have
15 come from the homosexual community?

16 A Yes.

17 MR. HAMILTON: Objection to the form of the
18 question; assumes facts not in evidence.

19 A Yes. I will say I have lived, as was reviewed in this
20 deposition, I've lived a very public life, not only on
21 television on Channel 6 and other stations around the
22 country where they sent the program out to, but a number of
23 things that I've done have been extremely visible. And I
24 have never had threats from anyone about anything, except
25 maybe in the deep jungle of somewhere where we were building

PIDGEON (Redac Redacted 10/1/10)

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1 a church. I've had no threats. It's only on the issue of
2 defending marriage.

3 Q (By Mr. Pidgeon) Now, let me ask -- I have one last
4 question. This goes to Exhibit 29, which you don't need to
5 look at, but this is the exhibit of your civil judgment
6 filing record.

7 A Um-hmm.

8 Q Now, the account that was from -- apparently from 2006 for
9 \$3,281 that Metro Area Collection Service was going after,
10 did they threaten you or harass you?

11 A No.

12 Q Stalk you?

13 A No.

14 Q Was this debt in any way related to R71?

15 A No.

16 Q And let's look at this debt that goes back from the \$974,
17 the dispute you had with your accountant. Did your
18 accountant give you a death threat?

19 A No.

20 Q Did he threaten, harass, or stalk you?

21 A No.

22 Q Was this \$947 dispute over R71?

23 A No.

24 Q The federal tax lien from 1992, that lien is 18 years old.
25 Is that correct?

EGELER (Redac Redacted 10/1/10)

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1 A Yes.

2 Q And that was \$1,525 from 18 years ago?

3 A Yes.

4 Q And I assume that wasn't related to R71?

5 A No.

6 Q Did the IRS threaten, harass, or stalk you?

7 A No.

8 Q And the amount that came in in 2008 over real estate
9 transaction, I think you said property sale, that
10 transaction, did anybody make any threats, harass, or stalk
11 you?

12 A No.

13 Q Did that amount of money have anything to do with R71?

14 A No.

15 MR. PIDGEON: That's it.

16 EXAMINATION

17 BY MS. EGELER:

18 Q I have just a few questions, Mr. Redacted

19 Looking at Exhibit No. 24, page 20, the same page we've
20 been on with respect to that particular exhibit.

21 A Page which?

22 Q Page 20.

23 A 20.

24 Q Now, the fourth paragraph down, if I understood your answers
25 to Mr. Dixon, there was just one family that you spoke to

1 that was concerned about an activist professor. Is that
2 correct?

3 A One family contacted me and told me they were very
4 concerned. Their son, and he was concerned, was in law
5 school or prelaw -- I'm not sure what his program is -- but
6 anyway, he had a law professor at University of Washington
7 that is very active and is very open about his activist
8 activities in the classroom.

9 Q How did this family contact you?

10 A I don't recall. I get calls. I don't know.

11 Q But are you sure it was telephone?

12 A I just said I don't recall. They contacted me. They told
13 me this. They said we're not concerned about ourselves as
14 much because whatever happens, happens. But we don't want
15 to see our son be jeopardized or -- in the classroom.

16 Q Have you ever heard of these people before, the family?

17 A I could. A lot of people contact me. I get e-mail every
18 day from people. I mean, I don't know if I heard of them
19 before. Are they personal friends? No.

20 Q Do you know what the last name of the family is?

21 A No. I don't remember their name.

22 Q Do you know if they donated to the Referendum 71 effort?

23 A I don't.

24 Q Do you know if they signed the petitions?

25 A They said they did.

1 Q Did they say their son did?

2 A Yes.

3 Q So you don't know if they were publicly involved in the
4 referendum promotion?

5 A I don't. They could have been. I don't know. I don't
6 know. They said they signed it.

7 Q Okay.

8 A And their son was concerned.

9 Q But didn't say whether or not they had any further
10 involvement?

11 A No. And I didn't have a follow-up conversation with them.

12 Q Did they state how they had your phone number?

13 A Goodness, no. I mean, I think the other gentleman said that
14 I'm pretty easy to find, so . . .

15 Q I know counsel for the Doe plaintiffs certainly had a hard
16 time contacting you and finding a number, as did I. Can you
17 tell me how they would have found your phone number? Is it
18 in the phone book?

19 A No. It's on the Web site.

20 Q Your personal phone number is?

21 A My -- there's a phone number on the Web site where I can be
22 reached.

23 Q And the paragraph above that talks about a mother who helped
24 gather signatures. Do you remember who that was?

25 A I'm looking for the paragraph.

EGELER (Redac Redacted 10/1/10)

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1 Q It's the third paragraph.

2 A Okay. Yes. It was Redacted Redacted

3 Q Redacted Redacted Did you talk to her personally?

4 A I have.

5 Q Did you talk to her in person or on the phone?

6 A On the phone. Larry Stickney is the person who told me
7 about the incident and then I've spoken to her about it
8 since then.

9 Q You've spoken to her since then?

10 A Yes.

11 Q So she told you that she helped gather signatures?

12 A I don't know that she told me that. It's common knowledge
13 that she did.

14 Q And how old is her son?

15 A I don't know.

16 Q But you know that he's a young boy?

17 A He's young.

18 Q Can you give me an age range that you think he's in?

19 A I've never met her son, but I assume, from what I've been
20 told, he's, I don't know, five to ten. I don't know. I
21 would guess he's in that range. In fact, I would be certain
22 he is.

23 Q And you're certain for what reason? Who told you?

24 A Well, just the context in which it was described, he's a
25 little boy.

EGELER ([Redac Redacted] 10/1/10)

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1 Q So you gathered this from the context?

2 A Yeah. I gathered that from what Larry Stickney told me.

3 Q Do you think sometimes, when people gather things from the
4 context, that they make mistakes?

5 A I think a lot of people make a lot of mistakes.

6 Q Do you think you might have made some mistakes in gathering
7 things from context?

8 A Not on those two issues, I didn't.

9 Q Not on these two issues --

10 A No.

11 Q -- in Exhibit 24?

12 A No.

13 Q So it wouldn't surprise you -- would it surprise you to
14 learn that the boy is actually 14 years old?

15 A It would shock me.

16 Q And that he's in high school?

17 A It would shock me.

18 Q Would it shock you to hear that [Redacted] [Redacted] may actually be
19 named [Redacted] [Redacted]

20 A No. That wouldn't shock me because I may have misstated her
21 name.

22 Q Would it shock you --

23 A Because I don't know her personally.

24 Q Would it shock you to learn she never gathered any
25 signatures for Referendum 71?

1 A It would because I was told that she did.

2 Q Again, she told you this?

3 A No. I don't recall that she told -- my conversation with
4 her was not about gathering signatures. It was about the
5 incident with her son. I called her to ask her about it
6 because Larry Stickney told me about it.

7 Q I think I mischaracterized your testimony. I think what you
8 said was, it was common knowledge. Is that correct?

9 A That she gathered signatures?

10 Q Right.

11 A I felt -- I thought it was. I thought she was involved in
12 gathering signatures.

13 Q Can you look at Exhibit No. 8 for me for a minute.

14 A (Witness complies.)

15 Q Looking at this again, it appears you've made some marks on
16 this exhibit. Is that correct?

17 A Yes.

18 Q There's some check marks throughout?

19 A Yes.

20 Q Would you have made those check marks?

21 A Yes.

22 Q Then on page 4, looks like you've done some underlining. Is
23 that correct?

24 A That's not correct.

25 Q If you could look to -- there's a very large statement,

1 "Have you had enough abuse yet?!"?

2 A Yes.

3 Q Do you see that?

4 A Um-hmm.

5 Q There's a paragraph that begins, "Unfortunately," do you see
6 where I am?

7 A I'm sorry. Yes, I did.

8 Q Just to ask you again, if I were to go to this Web site,
9 other than that underlying and the check marks, this is
10 exactly how it would have appeared on September 27th,
11 correct?

12 A Yes, correct.

13 Q Do you know if -- on page 7, do you know if Mr. Bisceglia
14 posted this "Armed gays don't get bashed" section or whether
15 that was an advertisement on the Web site?

16 A The picture?

17 Q Yeah.

18 A I don't know if it's paid advertisement or not. It's on
19 there.

20 Q Have you heard of gay bashing?

21 A Have I heard of gay bashing?

22 Q Yes.

23 A Yes.

24 Q What's your understanding of that term?

25 A My understanding of gay bashing would be the violent acts,

1 physical acts that we hear. When they happen, we hear.

2 They are highlighted in the news.

3 Q This would be violent physical acts against people who are
4 gay?

5 A I would certainly consider that gay bashing.

6 Q And would that include murder of individuals who are gay?

7 A I don't know that I would -- I don't know.

8 Q Have you ever heard of anyone being murdered simply because
9 they are gay?

10 A I have heard of people being accused of murdering people
11 because they were gay. Matthew Shepard is a pretty well
12 known case that has been disputed, I guess, but I've heard
13 of it.

14 Q Do you think, if individuals are physically attacked, that
15 they have the right to arm themselves and defend themselves
16 from attack?

17 A Of physical attack?

18 Q Yes.

19 A If someone physically attacks them?

20 Q Yes.

21 A Of course.

22 MS. EGELER: I have no further questions.

23 MR. HAMILTON: I have nothing further.

24 MR. DIXSON: Nothing further here.

25 MR. PIDGEON: I'm fine too. Nothing further.

1 (Concluded 12:46 p.m.)

2 (Signature reserved.)

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C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of Redac Redacted was taken before me and completed on the 1st day of October, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of Redac Redacted and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 9th day of October, 2010.

Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

